IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.26967 of 2018
Date of Decision: 06.2.2019

Munish

....Petitioner

Versus

State of Haryana and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. J.S. Lalli, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

HARINDER SINGH SIDHU, J

By way of filing this petition, challenge has been laid to impugned order dated 20.6.2018 (Annexure P.2) vide which the request of petitioner for grant of furlough has been rejected on the ground that during the furlough of convict the danger to peace in the village cannot be ruled out.

Learned counsel for the petitioner has submitted that the petitioner has already undergone about more than three years & four months of the sentence. He has neither been released on furlough ever nor is he involved in any jail offence. The impugned order is wholly non-speaking and arbitrary as no reason has been given while rejecting the case of the petitioner. Even the Municipal Councilor has also issued a Certificate dated 27.6.2018 (Annexure P.3) in favour of the petitioner recommending his release on furlough. He applied for furlough so as to arrange financial help to his old mother being 78 years of age.

Upon notice, reply on behalf of the respondents-State has been

MANOJ KUMAR
2019.02.15 11:33
I attest to the accuracy and
integrity of this document

filed averring that the petitioner can not claim the relief aforesaid as a matter of right as it is only a concession being given for good conduct and on certain conditions provided in the Act.

I have heard learned counsel for the parties and perused the paper-book.

Though, the release of the petitioner on furlough has been denied, however, the reasoning recorded by the Authority is not based on any substantial evidence. The impugned order does not contain any material on the basis of which aforesaid conclusion has been arrived at. If the State has any such apprehension it can always impose adequate conditions while releasing the petitioner on furlough.

The relief of parole/furlough cannot be denied on flimsy and baseless grounds. Of Course, if there is any material on the file to indicate that with his release on furlough, the petitioner is likely to disturb the peace or endanger the security of the State, then the Authorities are within their competence to deny his release on parole. Since no such material is brought on record, this Court finds that the impugned order (Annexure P-2) cannot be sustained.

Accordingly, present petition is allowed and the impugned order (Annexure P.2) is quashed. The respondents are directed to re-consider the case of the petitioner for release on furlough by passing a speaking order as early as possible, preferably within a period of one month.

February 06, 2019 **(Harinder Singh Sidhu)**
manoj **Judge**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No

MANOJ KUMAR
2019.02.15 11:33
I attest to the accuracy and
integrity of this document