

**CWP-28712-2018**

**[1]**

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CWP No.28712 of 2018 (O&M)  
Date of decision: March 11, 2019**

**Narender alias Vicky**

**...Petitioner**

**Vs.**

**State of Haryana and Others**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr. Randeep S.Dhull, Advocate  
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

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**HARINDER SINGH SIDHU, J.**

This petition has been filed praying for directions to quash the order of the Commissioner, Rohtak Division, Rohtak dated 18.9.2018 (Annexure P-1) whereby the application of the petitioner for release on furlough has been rejected. It has also been prayed that the respondents be directed to release the petitioner on furlough.

The petitioner is undergoing life imprisonment in case FIR No.187 dated 27.7.2004 under Sections 302, 148, 149, 499 and 307 IPC, Police Station Meham, District Rohtak after his conviction by the Trial Court. His appeal was dismissed by this Court.

The petitioner submitted an application to the Superintendent, District Jail, Rohtak for grant of furlough to meet his family members, which was forwarded to the District Magistrate. The District Magistrate sought a report from the Superintendent of Police who reported that if the petitioner is temporarily

released on furlough he may commit another crime and there is possibility of breach of peace. Consequently, the Commissioner, Rohtak Division, Rohtak rejected the request for furlough. It was also opined in the impugned order that the convict is a habitual offender.

Notice of motion was issued and a short reply by way of affidavit of Sewa Singh, Deputy Superintendent, District Jail, Rohtak has been filed stating that two more cases are pending against the petitioner, wherein, he has been granted bail. The District Magistrate had recommended temporary release of the petitioner stating that there is only one member in his family, namely his mother aged about 58 years and that the reason given for temporary release is justified.

The impugned order declining furlough to the petitioner cannot sustain as the grounds mentioned therein are not made out in the facts of this case.

It has been held by Division Bench of this Court in **Ram Chander Vs. State of Punjab and others 2017(3) RCR(CrI) 340** that likelihood of committing a crime while on parole would not be a sufficient ground to deny temporary release on parole as merely likelihood of committing a crime is not to be taken as apprehension of a threat to the security of the State or maintenance of public order.

The ground that there is a possibility of the petitioner involving in other serious crime while released on parole, appears to be a mere apprehension in the mind of the Authority as no material has been referred to justify such apprehension. Temporary Release Acts envisage temporary release of convicts. Furlough/Parole cannot be denied on mere generalization. As regards the other cases it is not the case of the respondents that he has been convicted in those cases.

The respondents are directed to release the petitioner on furlough for a period of three weeks subject to his furnishing bond/ surety to the satisfaction of the District Magistrate/ Competent Authority. The petitioner shall surrender before the Jail authorities on the expiry of three weeks of his release.

March 11, 2019

( HARINDER SINGH SIDHU )  
JUDGE

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|-----------------------------|----------|
| Whether Speaking / Reasoned | Yes      |
| Whether Reportable          | Yes / No |