

CWP-29930-2018

[1]

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

**CWP No.29930 of 2018 (O&M)
Date of decision: March 25, 2019**

Brijender Singh @ Sonu

...Petitioner

Vs.

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Vishwajeet, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARINDER SINGH SIDHU, J.

This petition has been filed praying for directions to quash the order of the Commissioner, Karnal Division, Karnal dated 4.6.2018 (Annexure P-1) whereby the application for release of the petitioner 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 imprisonment for life in case FIR No.187 dated 27.3.2013 under Section 302/34 IPC, Police Station Gahraunda, District Karnal after his conviction by the Trial Court.

The petitioner submitted an application to the Superintendent, District Jail, Karnal for release on furlough to meet his family members. It was forwarded to the District Magistrate, Karnal. The District Magistrate, Karnal in his report mentioned that Superintendent of Police, Karnal had reported that the complainant party would be angry if the petitioner is released on furlough. This may disturb the peace of the village. The Commissioner, Karnal Division, Karnal agreed with the report and rejected the application of the petitioner for his release on furlough.

Learned counsel for the petitioner has argued that the grounds for rejection are baseless. Mother of the petitioner is not well and has been suffering from knee pain. The petitioner is required to take care of her and to take her to the doctor for further consultation.

The impugned order declining furlough to the petitioner cannot sustain.

The ground that the complainant party would be angry if the petitioner is released on furlough cannot be a valid reason to deny the benefit of the provisions of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 to the petitioner. If that in itself were a justification to deny temporary release to a prisoner, then perhaps no prisoner can avail the benefit of the Act because such a ground may be available in every case. No special material or circumstance has been referred to which would indicate that the release of the petitioner would result in breach of peace. The petitioner cannot be denied his valuable right merely on apprehension and generalization without material to substantiate the same.

Accordingly, this petition is allowed. The impugned order is set aside. The respondents are directed to release the petitioner on furlough for a period of two 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 the furlough period.

March 25, 2019

(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No