

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

CWP-24114 of 2019

Date of Decision: 19.10.2019

Deepak Sharma

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present : Mr. Vaibhav Sharma, Advocate
for the petitioner.

Mr.Saurabh Mohunta, D.A.G. Haryana.

RAJIV NARAIN RAINA, J. (Oral)

1. Prayer in this petition is for grant the benefit of furlough to the petitioner for a period of two weeks to enable him to meet his family members.

2. The petitioner has been convicted under Section 302 IPC in FIR No.250 dated 10.05.1998, registered at Police Station Butana, District Karnal. Criminal appeal against the said conviction order has been dismissed by this Court as well as the Supreme Court.

3. The application of the petitioner for furlough was rejected only on the ground that the petitioner has recently availed parole period from 12.06.2019 to 28.06.2019. The District Magistrate, Karnal has not recommended furlough to the petitioner to meet his family. The Divisional Commissioner, Karnal Division, Karnal has applied the provisions of Section 6 (1) of the amended Act of 2012 of the Haryana Temporary Good Conduct Prisoners (Temporary Release) Act, 1988 and repeated the prayer.

4. There is no report in the impugned order that the release of the petitioner on furlough would involve breach of the security of the State or he would pose a danger to society or create law and order problems. The petitioner

has already undergone about 10 years and 5 months as an under trial and after conviction. Moreover, the petitioner has already availed the benefit of parole in the month of June, 2019 and he surrendered in time after the parole period was over.

5. Having regard to the fact that the petitioner surrendered before the Jail Authorities in his previous release on parole and taking into account the aforesaid relevant consideration, it is deemed appropriate to grant the benefit of furlough to the petitioner for a period of two weeks.

6. In view of the above, the petition is allowed. The impugned order dated 09.08.2019 (P-1) is quashed. The petitioner is granted furlough for two weeks from the date of release to the satisfaction of the District Magistrate concerned, who is further directed to impose such conditions as may be required to secure the presence of the petitioner in jail after the period of furlough, is over and done with and the temporary release is not misused.

7. Ordered accordingly.

(RAJIV NARAIN RAINA)
JUDGE

19.10.2019
monika

Whether speaking/reasoned
Whether reportable

Yes
Yes/No