

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

CWP No.30149 of 2019

Date of Decision:25.11.2019

Sanjeev Kumar @ Sanju

....petitioner

Versus

State of Haryana and others

.....respondents

CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

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

Mr.Kapil Bansal, DAG Haryana

RAJIV NARAIN RAINA, J. (ORAL):

1. Through this petition, the petitioner has sought for a writ in the nature of certiorari for quashing of the speaking order dated 14.08.2019 (P-1) passed by respondent No.2 whereby benefit of furlough to the petitioner has been denied so also for issuance of a writ in the nature of mandamus directing the respondents/State to grant the benefit of furlough to the petitioner for a period of three weeks to enable him to meet his family members.

2. The petitioner was convicted and sentenced to undergo life imprisonment under Section 306 IPC in case FIR No.53 dated 15.02.2015 registered at Police Station City Kaithal, District Kaithal.

3. Learned counsel for the petitioner submits that the petitioner has already availed 21 days furlough in the year 2018 and he surrendered in time, which entitles him for the concession of furlough.

4. Perusal of the impugned order shows that the application of the petitioner has been rejected on the ground that the petitioner may commit serious crime by quarrelling with witnesses and he may abscond if released

on furlough.

5. The only ground taken is that the petitioner may commit serious crime and may abscond. The likelihood of absconding while on parole would not be a sufficient ground to decline temporary release on furlough as mere likelihood of committing crime is not to be taken as apprehension of a threat to the security of the State or the maintenance of public order.

6. In view of the above, the petition is allowed. The impugned order dated 14.08.2019 (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 are required to secure the presence of the petitioner in jail after the period of furlough, is over and done with.

25.11.2019
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(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No