

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

**CRWP-282-2020 (O&M)
Date of decision: 3.2.2020**

Anil

... Petitioner

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Susheel Gautam, Advocate,
for the petitioner (s).

Mr. P.P. Chahar, DAG, Haryana.

RAJAN GUPTA, J. (Oral)

Petitioner has prayed for three weeks furlough to meet his family members in view of Section 4(1)(a) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988. He has also prayed for quashing of order dated 8.11.2019 (Annexure P-1) passed by Commissioner, Karnal Division.

Reply has been filed by the State in Court wherein a stand has been taken that peace in the village may be disturbed if the petitioner is released on furlough as he has rivalry in the village. Petitioner, however, relies upon the judgment in **Mukesh v. State of Haryana and others;** Criminal Writ Petition No.1185 of 2016 decided on 13.2.2017 to contend that application of the petitioner has been rejected merely on apprehension.

There is nothing on record to show that his release would endanger peace

petitioner has been found satisfactory inside the jail which is borne out from the stand taken in para. 2 of the reply.

In view of the above, we propose to set aside the order dated 8.11.2019 passed by Divisional Commissioner, Karnal and remit the matter to him for decision afresh keeping in view the facts and circumstances of the case and judgment rendered in **Mukesh's** case (supra). Learned State counsel has no objection to this.

Accordingly, we allow this petition, set aside impugned order dated 8.11.2019 and remit the matter to the Divisional Commissioner, Karnal for decision afresh within three weeks from today.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

February 3, 2020

Paritosh Kumar

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No