

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-5545-2020

Date of Decision:-09.09.2020.

Pritam Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Vishwajeet, Advocate for
Mr. Ajay Kumar, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

SANJAY KUMAR, J. (Oral)

The petitioner is aggrieved by the order dated 05.04.2020 (Annexure P-1) passed by the Mandal Commissioner, Karnal Division, Karnal, rejecting his request for grant of furlough under the provisions of The Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (for short, 'the Act of 1988').

On 01.10.2005, the petitioner was convicted under Section 302 IPC and sentenced to life imprisonment by the learned Additional Sessions Judge, Jind, in the sessions case arising out of FIR No.117 dated 29.07.2003 on the file of Police Station Garhi, Jind.

Earlier, the petitioner was released on parole on 01.05.2006 for a period of 6 weeks and he was to surrender on 13.06.2006. However, he chose to abscond, leading to registration of FIR No.117 dated 24.06.2006 on the file of Police Station Garhi, Jind, under Sections 8 and 9 of the Parole Act, 1988. It was only after 8 years, 5 months and 28 days that he was apprehended and sent back to the District Jail at Jind, i.e., on 11.12.2014. In terms of the provisions of the Act of 1988, as amended on 03.10.2013, the petitioner falls under the category of 'hardcore prisoners'.

These factual aspects were brought out by the Jail Superintendent of District Jail, Kaithal, in his reply. The Jail Superintendent further stated that pursuant to the application made by the petitioner for grant of furlough after completion of 5 years of his sentence, the District Magistrate, Jind, was addressed by his office, *vide* letter dated 31.12.2019, and a copy thereof was marked to the Mandal Commissioner, Karnal Division, Karnal. Thereupon, the Mandal Commissioner, Karnal Division, Karnal, passed the impugned order rejecting the request of the petitioner.

Perusal of the impugned order reflects that the sole ground cited by the petitioner for seeking furlough was to meet his family members. However, the Superintendent of Police, Jind, opined that if the petitioner was released, he could abscond again. He, therefore, did not recommend the release of the petitioner on parole. The Mandal Commissioner, Karnal Division, referred to the fact that the petitioner had misused the parole granted earlier and evaded the process of law for over 8 years. He accordingly found him unfit for grant of parole under the Act of 1988.

Mr. Vishwajeet, learned counsel representing Mr. Ajay Kumar, learned counsel for the petitioner, would place reliance on the Haryana Good Conduct (Temporary Release) Amendment Act, 2015, whereby Section 5-A of the Act of 1988 was amended and even a convicted hardcore prisoner, who was not awarded death penalty, was made entitled thereby to temporary release or furlough after completion of 5 years imprisonment. However, the same is of no avail to the petitioner as he misused the grant of parole on the last occasion and absconded for over 8 years.

Given his past history, the petitioner is not entitled to claim any indulgence. Refusal of his request for grant of furlough therefore does not brook interference.

The criminal writ petition is devoid of merit and is accordingly dismissed.

No order as to costs.

(SANJAY KUMAR)
JUDGE

September 09, 2020.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.