

244

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-1819-2019

Date of Decision : 15.01.2020

KABIR @ TANI @ TANUJ

..... PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

..... RESPONDENTS

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

: HON'BLE MR. JUSTICE AVNEESH JHINGAN

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

Mr. Sukhdeep Parmar, DAG, Haryana.

AJAY TEWARI, J. (Oral)

1. Through this petition, the petitioner has sought a writ in the nature of certiorari for quashing of the speaking order dated 29.08.2019 (P- 1) whereby benefit of furlough to the petitioner has been denied as also for issuance of a writ in the nature of mandamus directing the respondents/State to grant the benefit of furlough to the petitioner to enable him to meet his family members.

2. The petitioner was convicted and sentenced to undergo life imprisonment under Section 302, 201 & 436 IPC in case FIR No. 211 dated 23.03.2013 registered at Police Station City Gurgaon, District Gurgaon.

3. Reply has been filed, wherein it is asserted that the ground of rejection is that if the petitionr will be released on furlough, he may involve himself in any heinous crime and also may abscond.

4. Learned counsel for the petitioner states that this conclusion is completely unjustified, the petitioner is not involved in any other case and has now been in custody for six years.

5. In the circumstances, we do not find it appropriate to accept the stand of the State.

6. In view of the above, the petition is allowed. The impugned order dated 29.08.2019 (P- 1) is quashed. The petitioner is granted furlough for three 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 and he shall report every day at 5:00 PM in the Police Station, Kaithal.

(AJAY TEWARI)
JUDGE

(AVNEESH JHINGAN)
JUDGE

15th January, 2020
shabha

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No