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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-1798-2019

Date of Decision : 14.01.2020

ROHIT

..... PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

..... RESPONDENTS

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI
: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Sanpreet Sandhu, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

AJAY TEWARI, 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 08.11.2019 (P- 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 six weeks to enable him to meet his family members.

2. The petitioner was convicted and sentenced to undergo life imprisonment under Section 302 IPC in case FIR No.537 dated 08.07.2016 registered at Police Station Civil Line, Karnal.

3. Reply has been filed, wherein it is asserted that he was

convicted only on 08.08.2019 and as per Section 6 (1) of the Haryana Prisoners Good Conduct (Temporary Release) Act, 2012 (in short 'the Act), no prisoner shall be entitled to be released under this Act if on the report of the District Magistrate, the State Government or an officer authority by it in this behalf is satisfied that his released is likely to endanger the security of the State or the maintenance of public order or cause reasonable apprehension of breach of peace.

4. However, Section 4 of the Act, stipulates that a prisoner will only be entitled for furlough if he has undergone three years of the sentence inclusive of the persistence detention.

5. Learned Deputy Advocate General does not dispute this factual submission.

6. In view of the above, the petition is allowed. The impugned order dated 08.11.2019 (P-2) 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.

(AJAY TEWARI)
JUDGE

(AVNEESH JHINGAN)
JUDGE

14th January, 2020
shabha

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No