

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

CRWP-1794-2019

Date of decision: 21.1.2020

Sandeep Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr.RS Dhull, Advocate for the petitioner
Mr.Vikrant Pamboo, DAG, Haryana

JITENDRA CHAUHAN, J.

This petition under Article 226 of the Constitution of India read with Sections 4(1)(a)(b)(2), 6 and 7 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 for direction to the respondents to release the petitioner on furlough for a period of four weeks to meet his family members.

Reply has already been filed by the State. As per the reply, the petitioner is undergoing life imprisonment in case FIR No.226 dated 9.5.2013 registered under Section 302 IPC and Section 27 of the Arms Act at Police Station Civil Lines, Bhiwani.

Learned counsel for the State submits that as per the report submitted by the Superintendent of Police, Bhiwani it has been reported that the family members of the convict are capable to meet him in the jail during meeting hours and there is apprehension that if the convict is released on furlough, he may abscond and may commit any crime. The

District Magistrate, Bhiwani has not recommended the case of the petitioner

to grant furlough. He also admits that the petitioner never misused the parole earlier granted to him.

Heard.

This is to be noticed that the petitioner has not misused the concession of parole earlier granted to him. There is no cogent evidence on record with regard to the apprehension of the State that there is any likelihood of breach of peace in the society or that the petitioner will abscond from the process of law.

In the circumstances, the present petition is allowed and the petitioner is granted furlough for four weeks subject to his furnishing surety bonds to the satisfaction of the Duty Magistrate. The petitioner shall surrender before the jail authorities on the date and time to be noticed by the releasing Court/ Duty Magistrate.

[JITENDRA CHAUHAN]
JUDGE

[ARCHANA PURI]
JUDGE

21.1.2020
gsv

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No