

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

**CRWP No.1823 of 2019
Date of Decision: 27.01.2020**

Amrik Singh

....Petitioner

Versus

State of Haryana and others

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. R.S. Dhull, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner seeks quashing of order dated 31.10.2019 passed by Commissioner, Karnal Division, Karnal, declining the prayer for furlough for three weeks of the petitioner on the ground of apprehension that the petitioner may be involved in some other case after his release on furlough.

[2]. Petitioner was convicted and sentenced to undergo rigorous imprisonment for life under Section 302 IPC by the trial Court. He preferred an appeal before the High Court. During pendency of the said appeal, he was granted benefit of suspended sentence. He remained on suspended sentence (bail) for about 16 years before disposal of his appeal.

[3]. High Court while deciding his appeal, reduced the sentence from life to 10 years under Section 304 Part-1 IPC. Petitioner has surrendered and is undergoing sentence. During this period, the furlough accrued to him was sought to be availed by moving an application in pursuance thereof. The said application has been declined merely on the ground of apprehension that the petitioner may involve himself in some other case or flee from justice.

[4]. The relief cannot be declined merely on the apprehension of breach of peace or apprehension of the Authorities that the petitioner may flee from justice or involve himself in some other case. There is no apprehension shown by any concerned party, particularly when Gram Panchayat through Sarpanch has recommended the case of the petitioner for release on furlough.

[5]. For the reasons recorded hereinabove, the impugned order is set aside. Respondents No.3 and 4 are directed to release the petitioner on furlough in accordance with law.

27.01.2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No