

CRWP-1505-2021

Date of Decision: 07.04.2021

USMAN @ BABLU

... PETITIONER

V/S

STATE OF HARYANA AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Susheel Gautam, Advocate for the petitioner.

Mr. Raman Kumar Sharma, Additional Advocate General, Haryana.

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JITENDRA CHAUHAN, J. (ORAL)

The matter has been taken up through video conferencing in the light of the pandemic Covid-19 situation and as per instructions.

Prayer in the present petition filed under Article 227 of the Constitution of India is for issuance of a writ directing respondent No.2 to grant furlough for three weeks to meet family members in view of Section 4 (1) (a) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988.

Learned counsel for the petitioner submits that the petitioner is in continuous custody since his arrest and there is no complaint against the petitioner during his stay in jail. He is not a hardcore prisoner and is eligible to be released on furlough. There is no application of mind by the State Authorities of Haryana and the furlough has been declined merely on the basis of the report of Superintendent of Police, Shamli (Uttar Pradesh).

On the other hand, learned State counsel submits that the petitioner cannot claim benefit of parole/furlough as a matter of right. Though, the conduct of the petitioner inside the jail is satisfactory but since the petitioner has been

Superintendent of Police, Shamli.

Heard.

As per reply filed by the respondents the petitioner had previously availed parole. There is no evidence of any misuse of the parole by the petitioner. Rather, the conduct of the petitioner in the jail is admittedly satisfactory and no jail offence has been committed by him while undergoing the imprisonment in District Prison, Karnal. Mere non-recommendation of furlough to the petitioner by the Superintendent of Police concerned without any basis or allegation, cannot be a ground to deny relief to the petitioner, to which he is otherwise entitled.

In this view of the matter, the present petition is allowed and the petitioner is granted three weeks furlough, subject to his furnishing indemnity bond with two local sureties of the like amount to the satisfaction of the competent authority/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

[VIVEK PURI]
JUDGE

07.04.2021

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No