

MUKESH @ GUDDU

...PETITIONER

V/S

STATE OF HARYANA AND ORS

...RESPONDENTS

***CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA***

Present: Mr. J.S.Bains, Advocate,
for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

In compliance with the order passed by this Court on 06.10.2021, short reply by way of affidavit of the Superintendent, Central Jail, Ambala dated 08.10.2021 has been submitted, along with the same is appended as Annexure R-3 Instructions/Order issued by the Director General of Prisons, Haryana, dated 05.07.1978, which deals with the release of the convicts on Parole/Furlough. According to those orders, the warrants of parole/furlough under Punjab Convict Good Conduct (Temporary Release) would be valid for six months only.

Counsel for the petitioner has admitted that the warrants of furlough were issued on 08.06.2018 (Annexure P-1) and, therefore, in the light of the above, referring to orders dated 05.07.1978 of the Director

General of Prisons, Haryana, the said warrants would be valid up to 07.12.2018 which period has expired when the surety bonds were submitted by the brother of the petitioner, which, according to the petition when seen, indicates that they had visited recently when the petition was filed on 09.03.2021. It can reasonably be said that it was only in the end of the year 2020/or early 2021. With the petitioner having not submitted the surety/bail bonds within the period when the warrant of furlough was valid, petitioner could not be released.

In the light of the above, we do not find any ground for accepting the prayer of the petitioner and, therefore, dismiss the same.

In case the petitioner now applies for grant of furlough, the said prayer of the petitioner will be considered afresh, in accordance with law, within a period of six weeks of submission of such petition.

(AUGUSTINE GEORGE MASIH)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

October 11, 2021

pj