

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-201-2022
Reserved on: 03.03.2022
Pronounced on: 13.05.2022

Manish

...Petitioner(s)

Versus

State of Haryana & another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Vaibhav Sharma, Advocate
 for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

ANOOP CHITKARA, J.

Seeking furlough of four weeks, the petitioner convict, has come up before this Court under Articles 226/227 of the Constitution of India read with Section 4(1) of the Haryana Good Conduct Prisoners, (temporary Release) Act, 1988.

The petitioner is a life convict and undergoing sentence in District Jail, Karnal in case FIR No.214 dated 23.09.2006 under Sections 393/397/302/34 IPC registered at Police Station Kharkhoda, District Sonipat. The appeal against the conviction and sentence stand dismissed.

The petitioner claims that he had filed an application for release on furlough for four weeks to meet his parents. However, as per the report of the Superintendent of Police, it was mentioned that in case the petitioner is released on furlough, then the peace will be disturbed in the village and consequently, the application was rejected vide order dated 15.12.2021 passed by the Divisional Commissioner, Karnal.

A perusal of the order dated 15.12.2021 reveals that no inquiry has been conducted by

the Superintendent of Police through local police, on the basis of which it may be inferred that release of the petitioner on furlough will disturb the peace and tranquility in the society.

Accordingly, the petition is partly allowed and the matter is remanded back to the Divisional Commissioner, Karnal, to take a fresh decision in the matter, on the basis of fresh report of the Superintendent of Police, on priority basis. The concerned Superintendent of Police is directed to procure a fresh report after conducting a short inquiry and give fresh recommendation on the basis of the outcome of the said inquiry. The said inquiry be completed at the earliest positively.

(ANOOP CHITKARA)
JUDGE

May 13, 2022
AK

Whether speaking/reasoned:	Yes
Whether reportable:	No.