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

CRWP-1018-2022

Date of decision : 03.02.2022

Polu

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Praveen Bhadu, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a Criminal Writ Petition filed under Articles 226/227 of the Constitution of India read with Section 3 Sub-Sections (1)(a), 4(1), 6 and 7 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 and Rule 6 of the Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007, for issuance of a writ in the nature of mandamus for directing the respondent/State to extend the time period of temporary release of the petitioner on furlough for another four weeks.

Learned counsel for the petitioner has submitted that in the present case, the petitioner was convicted by the Court of Additional Sessions Judge, Kaithal in FIR No.328 dated 20.09.1995 under Sections

302, 148, 120-B/149 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, registered at Police Station City Kaithal, District Kaithal and an appeal filed by the petitioner was dismissed by the Division Bench of this Hon'ble Court vide order dated 25.04.2011. It is further submitted that the petitioner was temporarily released on furlough by respondent No.2 which has ended on 02.02.2022 and that the petitioner suffered from "Acute Appendicitis" and in support of the said medical condition, learned counsel for the petitioner has relied upon the Medical Certificate issued by the Parkash Mission Hospital (Annexure P-1). It is in the said facts and circumstances that the prayer has been made for extension of furlough, which had been granted upto 02.02.2022.

Without going into the merits of the present case, the present Criminal Writ Petition is disposed of with direction to respondent No.2 to treat the present petition as a representation and take a final decision on the plea of the petitioner to extend the time period of temporary release on furlough, within a period of five days from the date of receipt of certified copy of the present order. The petitioner would supply the copy of the present petition and the present order passed, to respondent No.2 and it is after the same has been supplied that the period of five days would start.

This Court has not considered the aspect as to whether the petitioner is entitled or not entitled to the said extension.

It is, however, clarified that in case respondent No.2 after examining the entire case, finds that the petitioner is entitled to grant of extension of furlough on account of the alleged medical condition, then in such a situation, extension period will begin from 02.02.2022.

Likewise, it will be open to the Commissioner, Hissar Division, Hissar (respondent No.2) to pass an order, after examination of the entire case, rejecting the said extension, in accordance with law.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

03.02.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No