

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

**CRWP-1641-2022  
DECIDED ON: 25.05.2022**

**MANDEEP**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA AND OTHERS**

**.....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH  
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

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

Ms. Tanisha Peshawaria, DAG, Haryana.

**AUGUSTINE GEORGE MASIH, J. (ORAL)**

Prayer in this writ petition is for setting aside the order dated 13.09.2021 (Annexure P-1) filed by the Commissioner Rohtak, Division Rohtak-respondent No.2 declining the grant of furlough to the petitioner.

It is the contention of the learned counsel for the petitioner that the prayer of the petitioner for grant of furlough has been rejected merely on the assumption that there are large number of cases registered against the petitioner, therefore, he would not be entitled to the said benefit.

Counsel contends that as per the custody certificate, he has been acquitted in 13 cases and convicted in the same number of cases. However, so far as his conduct in the jail is concerned, there is nothing, which has been found against him. Rather he has been granted the benefit of remissions, which is only granted in case the conduct in the jail is good.

Counsel, thus, contends that merely because earlier the petitioner has been involved in commission of certain offences cannot be a ground for denying him the benefit of furlough, when his conduct in the jail has been good and there is no other case registered against him. He, therefore, prays that the present writ petition may be allowed and the impugned order dated 13.09.2021 (Annexure P-1) be set aside.

On the other hand, learned counsel for the State opposes the prayer in the writ petition by reiterating the stand in the written statement as well as the order rejecting his prayer for grant of furlough. She, however, could not dispute the fact that there has been no abrasion on the part of the petitioner as far as his custody period in the jail is concerned. Assertion has now been made that since his conduct earlier had been such, which does not really show confidence in the authorities that he would not indulge in the criminal activities, which he had been earlier indulging in, therefore, he may not be granted the said benefit. Assertion has also been made that the conduct of the petitioner is such that he may disturb the peace and tranquility in the area in case of his release.

Having considered the submissions made by the counsel for the parties, we do not find ourselves in agreement with the stand which has been taken by the State. The conduct of the petitioner has been good in jail while in custody, which is apparent from the fact that he has been granted the benefit of remissions. Apart from that, there has been no other case against the petitioner after he being in custody as there is no jail offence committed by him. Merely because there has been cases against him, cannot be a ground to assume that he will never reform especially when the very

purpose of having remissions and furlough are to reform the persons, who have been convicted and to bring them back in the main stream. In this process when they are released on furlough, they get an opportunity to interact with the society and there is every possibility that they may improve their conduct.

In view of the above, we accept the prayer made in this writ petition by setting aside the impugned order dated 13.09.2021 (Annexure P-1) passed by Commissioner Rohtak, Division Rohtak-respondent No.2 and direct the respondents to release the petitioner on furlough for four weeks on his furnishing bonds to the satisfaction of the concerned authority. His release shall further be subject to petitioner reporting on every Friday to the SHO, Police Station Meham, District Rohtak during his furlough period.

**(AUGUSTINE GEORGE MASIH)**  
**JUDGE**

**(SANDEEP MOUDGIL)**  
**JUDGE**

**25.05.2022**

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| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |