

CRWP No. 7702 of 2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No. 7702 of 2023
Date of Decision: 22.08.2023

Kuldeep @ Manga
-Petitioner

Versus

State of Haryana and others
-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH
HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

Mr. Manish Dadwal, A.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

Petitioner has preferred this writ petition under Article 226 of the Constitution of India read with Section 3 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 for the issuance of an appropriate writ in the nature of certiorari quashing the order dated 21.06.2023 passed by the Divisional Commissioner, Karnal, Division Karnal rejecting the regular parole of the petitioner on the ground of social and public safety in terms of provisions of Section 8 of the aforesaid Act.

Learned counsel for the petitioner submits that the petitioner was convicted and sentenced to undergo life

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imprisonment in case bearing FIR No.98 dated 03.03.2010 under Sections 302, 307, 332, 353, 186, 460, 120-B IPC, Police Station Ambala City.

CRA-D No.1463-DB of 2013 filed by the petitioner is still pending in the High Court.

Previously, the petitioner had availed parole of four weeks w.e.f. 29.11.2021 for house repair. After availing parole, petitioner had surrendered in time on due date. Thereafter, the petitioner has also availed three weeks furlough w.e.f. 08.08.2022 till 30.08.2022. After completing the period of furlough successfully, the petitioner surrendered on due date. The factum of aforesaid parole/furlough has also been recorded in the impugned order, but the present prayer has been dismissed solely on the ground of antecedent behaviour of the criminal activity of the petitioner which was there in existence at the time of previous availing parole/furlough.

Perusal of reply by way of affidavit of Mr. Amit Kumar, Superintendent of Prison, District Prison, Karnal has not pointed out any such glaring fact which would dis-entitle the petitioner from availing his legal right.

The Hon'ble Apex Court in **Asfaq vs State of Rajasthan and others, 2017(15) SCC 55** has dealt with the issue of parole/furlough and has held that a humanistic approach is required to be adopted while deciding these cases.

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There is no mis-conduct exhibited by the petitioner during the period for which the earlier parole and furlough were granted to him.

Having considered the pleadings of the petitioner and the defence taken by the respondent, we deem it appropriate to set aside the impugned order dated 21.06.2023 passed by the respondent No.2 and direct the competent authority to pass fresh order in the light of observations made by the Hon’ble Apex Court in Asfaq’s case (supra) within a period of one month from the date of receipt of certified copy of this order.

Disposed of.

(RAJ MOHAN SINGH)
JUDGE

(HARPREET SINGH BRAR)
JUDGE

22.08.2023
Jyoti Sharma

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