



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRWP-8469-2024 (O&M)
Date of Decision:-26.9.2024

Anubhav Sahu ... Petitioner

Versus

State of Haryana and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Neeraj Sheoran, DAG, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks quashing of order dated 9.8.2024 (Annexure P-1) passed by respondent No.2 – The Divisional Commissioner, Karnal, Division Karnal, District Karnal vide which his prayer for grant of regular parole/furlough for 4 weeks, has been declined.
2. Reply by way of affidavit of Shri Amit Kumar, Superintendent of Prison, District Prison, Karnal has been filed by learned State counsel, which is taken on record.
3. Some of the relevant extracts from the impugned order are reproduced hereinunder:

“.....No one from the neighbour of the prisoner Anubhav undertakes responsibility for the release of him on parole because during release on parole he meet with delinquent individuals and they can commit any crime. So that if the prisoner release on furlough



peace can be disturbed and the prisoner can commit heinous crime again. The prisoner has not indulged in any criminal activities during his last paroles and furloughs....

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xxx

xxx

Therefore, according to the report of the Superintendent of Police, Charkhi Dadri, objections have been raised qua the release of the prisoner on furlough, which is correct on the basis of the facts. Therefore, being satisfied with the report of the Superintendent of Police, Charkhi Dari, it is hereby not recommended to grant 4 weeks temporary release of furlough to prisoner Anubhav @ Guddu.....”

4. The State in its reply has taken a stand that the case of the petitioner seeking grant of parole was not recommended by the District Magistrate while agreeing with the report dated 26.6.2024 (Annexure R-1) of Superintendent of Police, Charkhi Dadri. The relevant extract from aforesaid report dated 26.6.2024 is reproduced hereinunder:

“Point No. 6 - Residents of the colony have not taken any responsibility regarding the prisoner's parole, as it is expected that he may associate with criminal elements upon release, which could disturb public peace and lead him to commit further serious offenses.

The prisoner is currently serving a life sentence in District Jail Karnal. Therefore, local police have expressed concerns that if the prisoner is granted parole, he may abscond and could potentially commit serious crimes.”

5. It is, however, worthwhile to mention that the petitioner, who has been sentenced to undergo life imprisonment, has already undergone more than 11 years of actual custody and by addition of remissions his undergone period works out to more than 18 years. The petitioner during his period of custody had availed parole/furlough on 21 occasions. There is nothing on record or in



the reply filed by the State to show that the petitioner had ever misused the said concession during the time when he was availing parole/furlough. Under these circumstances, it remains unexplained as to how the authorities concerned have come to a conclusion that the release of the petitioner at this stage i.e. at the fag end of his custody period of the sentence imposed is likely to hamper peace or that he would indulge in commission of some other offences.

6. As such, the instant petition is allowed. The impugned order dated 9.8.2024 (Annexure P-1) passed by respondent No.2 – The Divisional Commissioner, Karnal, Division Karnal, District Karnal is set aside. The petitioner ordered to be released on parole for a period of four weeks subject to his furnishing two sureties to the satisfaction of District Magistrate concerned.

26.9.2024
Pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No