

2024:PHHC:006550-DB

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

101+233

**CRM-W-1761-2023 in/and
CRWP-11628-2023
Date of Decision: 18.01.2024**

Parveen Kumar @ Lilu

... Petitioner

Versus

State of Haryana through Secretary and another ... Respondents

**CORAM:HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Ashwani, Advocate for
Mr. Robin Singh Hooda, Advocate for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

ANUPINDER SINGH GREWAL , J.(Oral)

The petition has been filed seeking quashing of order dated 18.10.2023 whereby his application for grant of furlough for a period of 21 days has been rejected.

2. Learned counsel for the petitioner submits that the petitioner had earlier been released on parole and was late by one and half hour to surrender before the jail authorities. He was to surrender on 25.03.2023 at 5:00 PM but he reached the jail gate at 6:30 PM as his wife along with new born baby got discharged from the hospital and there was some delay in making arrangements for their well-being. The petitioner has undergone an actual sentence of over 9 years. He further submits that the petitioner had been released on furlough on earlier occasions also but he did not misuse the concession.

3. Learned State Counsel while referring to the reply filed by

way of affidavit of Satyawar, Superintendent, District Jail, Rohtak

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submits that the petitioner was to surrender on 25.03.2023 before 5:00 PM but he had surrendered at 6:35 PM, therefore, he was awarded minor punishment of warning as per Section 96(i)(a) of Haryana Prisons Rules, 2022. He further submits that in the year 2022, when the petitioner was granted concession of furlough, he did not surrender on time before the jail authorities.

4. Heard.

5. The petitioner has been convicted under Section 302 IPC and sentenced to undergo life imprisonment. The applicant had earlier been granted benefit of furlough which was extended by this Court in **CRWP-893-2023** as his wife had delivered a baby on 18.02.2023 through C-Section. The petitioner was late by only one and half hour in surrendering before the jail authorities. This delay should not come in the way of the applicant being granted benefit of furlough for a period of 21 days as he has to take care of his wife and new born baby. He got delayed for a few hours which could be due to the fact that applicant had to make arrangements for looking after his wife and new born baby. The applicant had been released on furlough on earlier occasions also but he did not misuse the concession except in the year 2022 when he was late by couple of days in surrendering before the jail authorities. The factum of delay of 1 ½ hours in reporting back should not be an impediment in the release of the applicant on furlough as it is sufficiently explained. It is necessary for a convict to maintain his contact with the society which would enable his reformation and transform him into a responsible citizen on his release. The impugned

order is unsustainable.

6. Consequently, the petition is allowed and the impugned order is set aside. The respondents are directed to release the petitioner on furlough for a period of 21 days on his furnishing bonds to the satisfaction of the concerned authority. On the expiry of period of 21 days, the petitioner is directed to surrender before the jail authorities before 5:00 PM.

7. Pending application(s), if any stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

(KIRTI SINGH)
JUDGE

January 18, 2024
anuradha

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