



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-11517-2024
Date of decision: 29.11.2024

Ravi Kumar

.....Petitioner

Versus

State of Haryana and Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MRS. JUSTICE HARPREET KAUR JEEWAN
Present: Mr. R.S. Dhull, Advocate for the petitioner
Mr. Saurabh Mago, DAG, Haryana.

G.S. SANDHAWALIA, J. (ORAL)

Petitioner has approached this Court under Article 226/227 of the Constitution seeking quashing of speaking order dated 12.11.2024 (Annexure P-1) passed by the Divisional Commissioner, Ambala Division, District Ambala whereby his prayer for temporary release by accepting the personal bonds has been rejected.

2. It is matter of record that three weeks furlough has been granted to him by the same competent Authority i.e the Divisional Commissioner, Ambala vide order dated 13.09.2024 and it is in these circumstances that the petitioner had approached the competent Authority to release him on personal bonds and his application was duly forwarded on 07.10.2024 (Annexure P-2).

3. Learned counsel for the petitioner submits that on the earlier occasion also, the petitioner was not released and his petition bearing CRWP-745-2022, which was filed challenging order dated 06.12.2021 was allowed by this Court vide order dated 28.01.2022 with a direction to the respondent to consider the release of petitioner on furnishing personal bond.



4. Keeping in view his antecedents, the petitioner had earlier availed parole and furlough and surrendered to the Jail Authorities on time. As per the Custody Certificate dated 28.11.2024 filed in Court today, the applicant-appellant has undergone sentence of 07 years, 03 months and 13 days of actual sentence out of period of life sentence.

5. We have perused the custody certificate. The petitioner had also availed parole for a period of Ninety three weeks and four days and was released on furlough on three occasions for the following period and has always surrendered back:

S.No.	Particulars	Period
1.	21 Days	Sep 13, 2023 to Oct 05, 2023
2.	14 Days	Feb 04, 2022 to Feb 19, 2022
3.	21 Days	Feb 16, 2019 to Mar 10, 2019

6. Keeping in view the above, we are of the considered opinion that merely on account of the fact that the petitioner has not been able to furnish surety bonds of the said amount as such, restricting his rights to avail the benefit of furlough only on account of personal disability as such since none is coming forward for furnishing surety, he cannot be denied the benefit of furlough.

7. Accordingly, we dispose of the petition with direction to the respondent to consider the release of the petitioner on his furnishing personal bonds. Necessary decision will be taken within a period of two weeks.

(G.S. SANDHAWALIA)
JUDGE

November 29, 2024
manoj

(HARPREET KAUR JEEWAN)
JUDGE

1. Whether speaking/ reasoned : Yes /No
2. Whether reportable : Yes /No