



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

CRWP-2012-2024
Reserved on 11.03.2025
Date of decision: 20.03.2025

Mohit Rana

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Argued by: Mr. R.S. Dhull, Advocate for the petitioner.

Mr. R.K. Singla, DAG, Haryana.

KARAMJIT SINGH, J.

1. Present petition has been filed by the petitioner under Article 226/227 of the Constitution of India read with Section 4 of Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 (in short, “the Act of 2022”) seeking quashing of order dated 15.2.2024 (Annexure P-1) passed by respondent No.4-Superintendent, District Jail, Karnal, vide which, written request made by the petitioner seeking grant of furlough for a period of 4 weeks, has been declined arbitrarily by misconstruing and misinterpreting the provisions of para 3 of Sub Section (3) of Section 4 of Act of 2022.

2. Brief facts of the case are that the petitioner was accused in a criminal case having FIR No.145 dated 29.6.2007 registered under Sections 302, 392, 411, 201, 34 IPC at Police Station Murthal, District Sonapat and on conclusion of the trial, the petitioner was convicted vide judgment dated



3.5.2010 and sentenced as follows: (a) imprisonment for life and a fine of Rs.5000/- under Section 302 read with Section 34 of IPC, default in which to undergo rigorous imprisonment for one year, (b) rigorous imprisonment for five years and a fine of Rs.2000/- under Section 392 read with Section 34 of IPC, default in which to undergo rigorous imprisonment for six months, (c) rigorous imprisonment for three years and a fine of Rs.2000/- under Section 201 read with Section 34 of IPC, default in which to undergo rigorous imprisonment for six months and (d) rigorous imprisonment for one year under Section 411 of IPC, vide order dated 6.5.2010 by the trial Court.

3. The appeal filed by the petitioner was dismissed by Division Bench of this Court, vide judgment dated 8.8.2014 and currently, the petitioner is serving his sentence in District Jail, Karnal.

4. Counsel for the petitioner, *inter alia*, submits that the petitioner has already undergone more than 15 years and 4 months of actual sentence and that period comes out to be more than 19 years with inclusion of remissions. It is further submitted that earlier the petitioner has availed parole on different occasions and the said period comes out to be more than 2 years and 3 months and the petitioner never misused the said concession as is clear from the custody certificate dated 8.3.2025 submitted by the Deputy Superintendent, District Prison, Karnal.

5. Counsel for the petitioner further submits that the petitioner applied for grant of furlough under Section 4 of Act of 2022. However, the request by the petitioner is declined by respondent No.4 vide order (Annexure P-1) with following observations : -

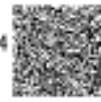


“Regarding the furlough application provided by you, you are hereby informed that according to Para 3 of Sub Section (3) of Section 4 of the Haryana Good Conduct Prisoner (Temporary Release) Act, 2022; Provided further that the convicted prisoners sentenced under the Narcotic Drugs and Psychotropic Substances Act, 1985 (Central Act 61 of 1985) or sedition or rape with murder or robbery or dacoity with murder or murder with intention of collecting ransom or extortion or sexual offences against child below twelve years of age or sentenced to undergo imprisonment till natural life shall not be eligible for furlough. You are a convicted prisoner in the aforementioned case for crime of murder with dacoity and therefore you are not entitled to the leave of furlough as per para 3 of Sub Section (3) of Section 4 of the Haryana Good Conduct Prisoner (Temporary Release) Act, 2022. This is supplied to you for due notification.”

6. Counsel for the petitioner further submits that the case of the petitioner for grant of furlough is not covered under the Act of 2022 as the petitioner was convicted and sentenced to imprisonment in May, 2010 and the aforesaid Act of 2022 cannot be applied in a retrospective manner to infringe the rights of the petitioner. In support of his contentions, counsel for the petitioner has referred to decision of Division Bench of this Court in CRWP-1517-2024 titled Sumit Kumar v. State of Haryana and another decided on 12.3.2024 wherein also, it was observed that the provisions of Act of 2022 are having only prospective effect and do not have any retrospective effect.

7. Counsel for the petitioner further submits that it being so, impugned order (Annexure P-1) is not legally tenable and deserves to be set aside and the petitioner be granted furlough for a period of 4 weeks in order to fulfill his familial obligations.

8. Present petition is opposed by the State counsel who filed reply by way of affidavit of Amit Kumar, Superintendent of Prison, District



Prison, Karnal which was taken on record along with copy of concerned notification dated 16.3.2022 (Annexure R-1) with regard to Haryana Good Conduct Prisoners (Temporary Release) Bill, 2022 which is enacted by Haryana Government to provide for temporary release of prisoners for good conduct on certain conditions.

9. State counsel while referring to Annexure R-1 submits that the petitioner falls under the category of “hardcore convicted prisoner” as per Section 2(1)(g) of the aforesaid Act of 2022 and as such, is not eligible for furlough. It is further submitted that in the given circumstances, request made by the petitioner seeking furlough for a period of 4 weeks was rightly declined by the competent authority.

10. I have considered the submissions made by the counsel for the parties.

11. Undoubtedly, the petitioner was convicted and sentenced to imprisonment as detailed above, in May 2010. From the perusal of the custody certificate, it is apparent that even before the coming into force of Act of 2022, the petitioner was given concession of parole in this very case. It means that prior to implementation of the Act of 2022, the petitioner was eligible to seek parole/furlough and he availed the said concession without any misuse. As per the judgment passed by the Division Bench of this Court in ***Sumit Kumar’s case*** (supra), the provisions of Act of 2022 which came into force in March 2022 are having only prospective effect and thus, will not be applicable to the case of the present petitioner who was convicted and sentenced to imprisonment in May 2010.

12. Undoubtedly, parole/furlough is an integral part of the



correctional process. It is a kind of consideration granted to the prisoners to help them to come back into the mainstream of life. It is nothing but an instrument of social rehabilitation of the prisoner. The Hon'ble Supreme Court in *Atbir Vs. State of NCT of Delhi (Law Finder Doc Id #1980083)* has observed that furlough is a brief release from the prison. It is conditional and is given in case of long term imprisonment, the period of sentence spent on furlough by the prisoners need not be undergone by him, as is done in case of parole. Furlough is granted as a good conduct remission.

13. From the perusal of the custody certificate of the petitioner, it could be easily made out that earlier also the petitioner availed concession of furlough and parole without any misuse. It means, the rules as were applicable to the petitioner when he was convicted and sentenced to imprisonment in 2010, provided release of such a prisoner on furlough/parole, prior to coming into force of Act of 2022. Also there is nothing available on the record to suggest that the conduct of the petitioner is not good. Further, there is no such report to the effect that the petitioner has committed any jail offence.

14. Having regard to the aforesaid facts and circumstances of the case, this Court is of the view that the impugned order is not sustainable in the eyes of law and deserves to be set aside and accordingly, impugned order dated 15.02.2024 Annexure P-1 passed by respondent No.4 is hereby set aside. The petitioner is ordered to be released on furlough for a period of 4 weeks from the prison concerned but subject to his furnishing personal and surety bonds in sum of Rs.1.5 lac each and to the satisfaction of District Magistrate concerned and is to give further undertaking that immediately on



expiry of aforesaid period, he shall surrender before the jail authorities concerned. The aforesaid period of 4 weeks is to be counted from the date of his release. District Magistrate concerned is to notify the date of release and date of surrender in the release order of the petitioner.

15. In case, the petitioner fails to surrender in time, thereupon the jurisdictional SHO concerned is empowered to arrest the petitioner and thereafter, produce him before the Magistrate concerned, who should send the petitioner to jail to serve the remaining sentence.

20.03.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**