

CRWP-9212-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-9212-2025

Baljeet @ Jeeta...Petitioner

Versus

State of Haryana and others...Respondents

JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
01.12.2025	16.12.2025	FULL PRONOUNCED	16.12.2025

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Randeep S. Dhull, Advocate for the petitioner.
Mr. Atul Gaur, A.A.G., Haryana.

ANOOP CHITKARA, J.

Seeking issuance of a writ of certiorari for quashing of order dated 11th July 2025 passed by Divisional Commissioner, Faridabad rejecting four weeks furlough application of the petitioner on the grounds that there is a likelihood of petitioner being not returning back once released, the convict has come up before this Court under Article 226/227 of Constitution of India.

2. It shall be appropriate to reproduce the prayer clause which reads as under:

“Issue a writ in the nature of certiorari quashing the speaking order dated 11.07.2025 passed by the respondent No.2 (Annexure P-1) viz. Divisional Commissioner, Division Faridabad, District Faridabad where the four weeks furlough application of the petitioner has been dismissed arbitrarily by misconstruing and misinterpreting the observations made by the Hon'ble Supreme Court of India in Criminal Appeal No. 1119-20/2022 (Arising out of SLP (Crl.) Nos. 11787-11788/2019) (Annexure P-2) whereby the sentence of conviction of the petitioner had been modified with liberty having been granted to him to avail the leaves as have been enshrined in Haryana Good Conduct Prisoner (Temporary Release) Act, 2022 which had been requested forth by his petitioner to fulfil his familial

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obligations in view of the fact that the parents of the petitioners are old age and incapable of sustaining and performing all the necessary tasks by their own volition, and also for restoring social ties by considering the facts and law regarding the furlough that have been reiterated in the judgment of the Hon'ble Supreme Court of India in case titled "Satbir vs. State of NCT of Delhi" bearing Criminal Appeal No. 714 of 2022 arising out of SLP (Crl.) No.7887 of 2021 vide judgment dated 29.04.2022, in the interest of justice and fair play."

3. I have perused the order passed by the Commissioner, Faridabad Division, Faridabad (Annexure P1), vide which application for furlough was dismissed. The Commissioner explicitly referred to Section 2(1)(f) of the Haryana Goods Conduct Prisoners (Temporary Release) Act 2022, as per which furlough is a temporary relief and can be counted towards awarded sentence. The reasons for rejection of furlough was that it can be counted as actual sentence which would come in the way of the judgment passed by the Hon'ble Supreme Court, wherein it was mentioned that his remission can be considered only after he had passed 20 years of actual sentence. The Commissioner has wrongly interpreted the order dated 02.08.2022 passed by a Three Judge Bench of Hon'ble Supreme Court in ***Criminal Appeal No.1119-1120/2022 titled as Baljeet Singh @ Jeeta vs. State of Haryana***. The closing portion of the order is clear that his remission would be considered only after he completes 20 years of sentence. Thus, it was not a case where furlough could have been rejected but it could have been granted with the condition that the period shall be counted as sentence only after the petitioner completes the period of 20 years. Even the definition of furlough under Section 2(1)(f) of the Haryana Goods Conduct Prisoners (Temporary Release) Act 2022, quoted by the Authority does not prohibit that furlough cannot be granted unless a prisoner has not completed the determined period of sentence.

4. Given above, the order dated 11.07.2025 passed by the Commissioner, Faridabad Division, Faridabad is quashed and set aside. However, petitioner is directed to file a fresh application for release on furlough, in which prisoner shall mention that he shall have no objection if his case for remission is considered after he has completed 20 years of actual sentence excluding period of furlough. If such an application is filed with such declaration, the concerned Authority is directed to decide the same within 30 days from receipt of such application in their office.

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5. Given above, petition is party allowed to the extent mentioned above. The concerned Authority to strictly process the application for furlough if it is filed within above captioned disclaimer. Pending applications if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

16.12.2025
Anju rani

Whether speaking/reasoned	YES
Whether reportable	NO