
(1988) 05 P&H CK 0070

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 182 of 1988

Harbans Singh/Detenu

APPELLANT

Vs

State of Punjab and anr.

RESPONDENT

Date of Decision : 19-05-1988

Acts Referred:

Citation : (1988) 2 RCR(Criminal) 205

Hon'ble Judges : K.S.Bhalla, J

Advocate : Vijay K. Jindal, S.P. Soni, Advocates for appearing Parties

Judgement

K.S. Bhalla, J.

1. Petitioner Harbans Singh, a life convict confined in Central Jail. Jalandhar, who was sentenced by Sessions Judge, Kapurthala, on 6 12.1960, has moved this petition for his temporary release on furlough under Section 4 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, contending that he has already undergone actual sentence of more than 71/2 years excluding remissions and his conduct in jail has been good. According to him his case for temporary release on furlough for three weeks was recommended by Jail Superintendent on 22.12.1984 and thereafter he was not communicated any result of the same, that he is entitled to furlough every year after undergoing sentence of three years and that the pending case of his may be treated as wrongful denial of his relief.

2. In the return filed on behalf the respondents, it is not disputed that conduct of the petitioner while in jail was satisfactory. However, it is added that the case of the petitioner which was forwarded by Jail Superintendent on 22.10.1984 was rejected by Inspector General of Prisons, Punjab on 3.12.1985 and fresh move for the purpose which was initiated on 16.6.1986 is still pending for want of report of District Magistrate, Kapurthala. It is also contended therein that as soon as the report is received furlough case of the petitioner shall be decided on merits and under the rules.

3. It is not disputed that the petitioner qualifies for first furlough having already undergone more than three years imprisonment and being a life convict. That is why his case was forwarded by Jail Superintendent for consideration. Even accepting the contention of the respondents, the case of the petitioner is pending with them for the last about two years. After enjoying first furlough, a convict under the abovesaid Act is entitled to two weeks furlough every year. Therefore, the conduct of inaction on the part of the respondents is to the detriment of the petitioner and it goes without saying that such cases should be considered and disposed of within reasonable time. District Magistrate, Kapurthala, in his written statement has stated that the case is pending with Superintendent of Police, Kapurthala, for his comments. Police is not required to be consulted and if that agency was chosen by the District Magistrate for verification and his satisfaction it was his duty to get things done through them promptly. Under the circumstances the case is that of denial of his relief and that too without any cogent reason.

4. In the light of what has been stated above I am of the considered opinion that petitioner Harbans Singh is entitled to temporary release on furlough. Admittedly, he was not so released earlier and it is his first furlough. It is, therefore, ordered that petitioner Harbans Singh be released on furlough for three weeks to the satisfaction of District Magistrate, Kapurthala.