courtkutchehry.com

Company: Sol Infotech Pvt. Ltd.

Website: www.courtkutchehry.com

Printed For:

Date: 21/10/2025

Kapur Singh Vs State of Punjab and anr.

Harbeas Corpus Writ Petition No. 495 of 1987

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Dec. 3, 1987

Citation: (1988) 1 RCR(Criminal) 278

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

Advocate: Bhupinder Pal Kaur, J.S. Bhatti, Advocates for appearing Parties

Judgement

K.S. Bhalla, J.

1. Petitioner Kapur Singh who was sentenced to life imprisonment on 6.12.1982 moved for temporary release on furlough after having undergone

imprisonment for a period of more than three years excluding remissions. His case was recommended by Superintendent, Central Jail, Ludhiana

where he is confined, but the same was rejected on 31.3.1987. Through present petition he has prayed for such release contending that his case

falls within four corners of section 4 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (in short the Act); that his conduct in

jail has been good and his case was rejected by the authorities without affording any cogent reason.

2. In the return filed on behalf of the respondents, it is not disputed that the case of the petitioner falls within the four corners of section 4 of the Act

and that his conduct in jail had been satisfactory. It is also admitted that his forlough case was initiated on 30.9.1986 and was rejected on

31.3.1987. The said rejection is said to be on the basis of the police reports endorsed by the District Magistrate, Ludhiana.

3. The rejection of the case of the petitioner, however, does not appear to be based on cogent reasons and the same, therefore, cannot be

justified. Section 4 of the Act contemplate consultation with the District Magistrate and police do not come into the picture. That necessarily

implies that there should be subjective satisfaction of the District Magistrate concerned that the convict does not deserve the concession which is

provided by the above referred to social legislation. No report of the District Magistrate is forthcoming nor the same has been reproduced in the

reply filed on behalf of respondent No. 1. On the other hand report of D.S.P. (City), Ludhiana has been reproduced, which, for obvious reasons,

is not relevant. That report too is based on some letter addressed by sons of the deceased for whose murder petitioner is undergoing sentence.

They belong to rival camp and being aggrieved elements cannot possibly relish any concession to the petitioner irrespective of the fact whether the

deserves it or not. Respondent No. 2. i.e. the District Magistrate, Ludhiana has also filed the return in this case and his said reply does not either

indicate if he applied his mind to the case and there was any subjective satisfaction of the said respondent resulting in any report sufficient for

rejection of the case of the petitioner. The maximum what has been stated in his reply is that release of the petitioner was rightly not recommended

keeping in view the report of the local police and the Senior Superintendent of Police, Ludhiana. This clearly indicates that only the above referred

to report of the police which was based on the opinion of the opponents weighed with the District Magistrate. I, therefore, find that the denial of

the petitioner''s prayer was on extraneous and arbitrary grounds and cannot be upheld.

4. In the light of what has been stated above, I am of the considered opinion that petitioner Kapur Singh is entitled to temporary release on

furlough. Admittedly he was not so released earlier and it is his first furlough. It is, therefore, directed that petitioner Kapur Singh be released

temporarily on furlough for three weeks to the satisfaction of District Magistrate, Ludhiana.

JUDGMENT accordingly.