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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2628/2015**
LALIT KUMAR

..... Petitioner

Through: Mr. Neeraj Bhardwaj, Adv.

versus

STATE

..... Respondent

Through: Mr. Ashish Negi, Adv. for Ms. Richa
Kapoor, ASC for the State
SI Yogesh, PS Timar Pur

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **18.11.2015**

The petitioner was granted first spell of furlough by order dated 17.2.2015 by the competent authority.

The petitioner was asked to furnish one surety of Rs.10,000/- along with personal bond of the like amount for his release on the satisfaction of the Superintendent of Central Jail No.2. He was asked to maintain peace and good behaviour during the period of his release on furlough. He was further directed to remain at his residence during the period of his release. The petitioner was also asked to visit the Police Station once in a week.

The petitioner could not avail of such concession for the reason that he could not arrange for any person who would stand as surety for him. In that event, an application was preferred by the petitioner before the competent authority for modification of the order by which he was directed

to be released on furlough for substituting the requirement of furnishing a surety of Rs.10,000/- with cash surety of Rs.10,000/-. The aforesaid prayer for the modification of the order of the competent authority was rejected vide order dated 3.8.2015, which is under challenge in the present petition.

The straightened financial and social condition of the petitioner is writ large.

The petitioner, according to the nominal roll, has been suffering incarceration for the last more than 12 years. It is quite probable that after remaining behind bars for such a long time, it would not be easy to arrange for a person who would stand as a surety for him. The order of the competent authority refusing to modify the order, therefore, appears to be harsh.

The petitioner is directed to be released on furlough for a period of three weeks from the date of his release on his furnishing a personal bond in the sum of Rs.10,000/- and a cash surety of Rs.10,000/- to the satisfaction of the Superintendent of the concerned jail.

The other conditions imposed upon the petitioner by the competent authority while granting furlough shall subsist.

A copy of the order be communicated to the Superintendent of the concerned jail for compliance and information.

ASHUTOSH KUMAR, J

NOVEMBER 18, 2015

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