

#19

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 22.02.2016

W.P.(CRL) 430/2016

MOHD. ANWAR

..... Petitioner

Through: Mr. Vivek Sood, Sr. Advocate with
Mr. M.L. Yadav, Mr. Lokesh Chandra
and Mr. Siddharth Gupta, Advocates

Versus

STATE (GOVT OF NCT OF DELHI) Respondent

Through: Ms. Richa Kapoor, Addl. Standing
Counsel (Crl.) with Mr. Rohit Kaul,
Advocate

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A.2315/2016 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(CRL) 430/2016

1. The present is a petition under Article 226 of the Constitution of India praying for a direction to the official respondent to release the petitioner on the first spell of furlough for three weeks.

2. The petitioner is aggrieved by the order dated 27.01.2016 whereby his representation for grant of first spell of furlough was rejected by the competent authority for the following reasons:-

“This is in reference to the captioned subject. In this regard, it is to inform you that the Competent Authority has declined the application for grant of 1st Spell of Furlough to the convict Anwar Thakur S/o Mohd. Maqsood as the said convict has been punished four times on 31.07.2009, 03.03.2011, 15.04.2011 & 21.05.2011. Moreover, the applicant has jumped parole w.e.f. 24.06.2000 and re-arrested 08.11.2002. He is also involved in case in 2014 FIR No.637/2014 and FIR No.242/2014 and frequently changes his addresses.”

3. A perusal of the reasons stated by the Competent Authority in the order impugned herein reveals that they are relying on stale material to deny the petitioner furlough. The impugned order dated 27.01.2016 flies in the face of the order passed by this Court on 04.08.2015, vide which this Court released the petitioner on parole. The reasons stated in the order impugned herein were trotted out before this Court on that occasion as well and were duly considered by this Court before passing the order dated 04.08.2015.

4. In view of the foregoing, I see no impediment in granting first spell of furlough to the petitioner. The petitioner is directed to be released on the

first spell of furlough for a period of three weeks from the date of his release subject to his furnishing a personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount to the satisfaction of the Trial Court subject to the following conditions:-

- (i) During the period the petitioner remains out on furlough, he shall report to the SHO, Police Station- Sadar Bazaar, Delhi once a week on every Thursday.
- (ii) The petitioner shall also provide the SHO, Police Station- Sadar Bazaar, Delhi with his mobile telephone number which he undertakes to keep operational.
- (iii) The petitioner shall not leave the National Capital Territory of Delhi during the period of furlough, without the prior permission of this Court.
- (iv) The petitioner shall not engage himself in any unlawful activity.
- (v) The petitioner is directed to surrender before the jail authorities at the expiry of the period of furlough.

5. The writ petition is disposed of accordingly.

6. *Dasti.*

SIDDHARTH MRIDUL, J

FEBRUARY 22, 2016

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