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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 649/2016**

SANTOSH KUMAR SINGH

..... Petitioner

Through: Mr. Avnish Sharma and Mr. Amod
Singh, Advocates

versus

STATE (GOVT OF NCT) OF DELHI & ANR Respondents

Through: Ms. Sonia Mathur, Standing Counsel
for CBI with Mr. Abhishek Chauhan,
Advocate

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **01.03.2016**

1. The present petition has been filed by the petitioner under Article 226 of the Constitution of India read with Section 482 of Code of Criminal Procedure, 1973 for the issuance of Writ in the nature of Mandamus and/or such like writs directing the respondent to release the petitioner on parole for the period of 3 months.

2. Status report has been filed by the State to the following effect:

“Most respectfully, it is submitted that petitioner has applied for parole on the grounds to pursue his LLM studies in Branch-II labour & Industrial Relation and Administrative law vide enrolment No. 2581401053 from Annamalai University, Directorate of Education, New Delhi Study Centre. On verification, the claim of the petitioner has been found correct. It has been filed in Status Report that Mr Santosh Kumar Singh s/o Shri J.P. Singh r/o G-1/5 and Flat No.1 (G.F) Model Town-

3 having Enrolment No. 2581401053 is pursuing LLM(Branch-II) from Annamalai University, Classes of LLM are compulsory in nature commencing from 4th Mach to 7th March (4 days) and Exams will be from 19th to 30th May, 2016.

As per the directions of the Hon'ble Court, enquiry about the number of Courses/Study for which petitioner had applied in the past since 2010 to till date and parole or furlough granted to petitioner for following these courses or for other grounds was conducted. On enquiry from Tihar Jail, it was replied that petitioner had applied for (1) LLM (Branch-I) in 2011 (2) LLM (Branch-II) in year 2014 (3) PG Diploma in Criminology and Forensic Science-2014 and (4) PG Diploma in Human Rights-2015 and seven times parole was granted to petitioner for attending classes of these courses. Three times parole was granted to petitioner for other reasons and five times Furlough was granted to petitioner by DG Prison for other reasons. The details of courses applied by the petitioner from 2010 to till date and parole/furlough granted to petitioner for attending classes or for other reasons is as under:

<i>SN.</i>	<i>Name of the Course for which Parole/furlough applied</i>
<i>1</i>	<i>LLM (Branch-I) in 2011</i>
<i>2</i>	<i>LLM (Branch-II) in 2014</i>
<i>3</i>	<i>PG Diploma in Criminology and Forensic Science 2014</i>
<i>4</i>	<i>PG Diploma in Human Rights 2015</i>

Parole/Furlough granted to attend classes of these courses

<i>SN</i>	<i>Parole/Furlough Granted from 2010 to till date</i>	<i>For attending classes or other reasons</i>
<i>1</i>	<i>Parole 7.3.2011 to 8.4.2011 by GNCT</i>	<i>For other reasons</i>
<i>2</i>	<i>Prole 8.3.2012 to 8.4.2012 by Delhi High Court</i>	<i>For attending classes</i>
<i>3</i>	<i>Parole 14.5.2012 to 29.5.2012 by Delhi High Court</i>	<i>For attending classes</i>
<i>4</i>	<i>Parole 13.3.2013 to 28.3.2013 by Delhi High Court</i>	<i>For attending classes</i>
<i>5</i>	<i>Parole 15.5.2013 to 29.5.2013 by Delhi High Court</i>	<i>For attending classes</i>

6	<i>Parole 4.3.2014 to 5.4.2014 by Delhi High Court</i>	<i>For attending classes</i>
7	<i>PEOLW 21.5.2014 TO 12.6.2014 BY Delhi High Court</i>	<i>For attending classes</i>
8	<i>Furlough 7.8.2014 to 29.8.2014 by DG Prison</i>	<i>For other reasons</i>
9	<i>Furlough 16.10.2014 to 31.10.2014 by DG Prison</i>	<i>For other reasons</i>
10	<i>Furlough 2.12.2014 to 17.12.2014 by DG Prison</i>	<i>For other reasons</i>
11	<i>Parole 26.3.2015 to 10.4.2015 by GNCT</i>	<i>For other reasons</i>
12	<i>Parole 22.5.2015 to 10.6.2015 and extended upto 19.6.2015</i>	<i>For attending classes</i>
13	<i>Furlough 2.7.2015 to 24.7.2015 by DG Prison</i>	<i>For other reasons</i>
14	<i>Furlough 3.9.15 to 18.9.2015 by DG Prison</i>	<i>For other reasons</i>
15	<i>Parole 23.12.2015 to 23.1.2016 by Delhi High Court</i>	<i>For other reasons</i>

3. In column No.17 of the nominal roll i.e details of the interim bail/parole availed, it is mentioned as under:-

17.	<i>Details of Interim Bail / Parole / Availed</i>	<i>DETAILS OF FURLOUGH AVAILED</i>
	1. <i>PAROLE 07.03.2011 TO 08.04.2011 (BY GNCT)</i>	<i>FURLOUGH :-07.08.2014 TO 29.08.2014 (03 WEEKS BY DG (P))</i>
	2. <i>PAROLE 07.03.2012 TO 08.04.2012 (BY DHC)</i>	<i>FURLOUGH :-16.10.2014 TO 31.10.2014 (02 WEEKS BY DG (P))</i>
	3. <i>PAROLE 14.05.2012 TO 29.05.2012 (BY DHC)</i>	<i>FURLOUGH :-02.12.2014 TO 17.12.2014 (02 WEEKS BY DG (P))</i>
	4. <i>PAROLE 13.03.2013 TO 28.03.2013 (BY DHC)</i>	<i>FURLOUGH :-02.07.2015 TO 24.07.2015 (03 WEEKS BY DG (P))</i>
	5. <i>PAROLE 15.05.2013 TO 29.05.2013 (BY DHC)</i>	<i>FURLOUGH :-03.09.2015 TO 18.09.2015 (02 WEEKS BY DG (P))</i>
	6. <i>PAROLE 04.03.2014 TO 05.04.2014 (BY DHC)</i>	
	7. <i>PAROLE 21.05.2014 TO 12.06.2014 (BY DHC)</i>	
	8. <i>PAROLE 26.03.2015 TO 10.04.2015 (BY GNCT)</i>	
	9. <i>JPAROLE 22.05.2015 TO 10.06.2015 (BY DHC) EXTENDED UPTO 19.06.2015</i>	
	10. <i>PAROLE 23.12.2015 TO 23.01.2016 (BY DHC)</i>	

4. Clause 11.5 of Government of National Capital Territory of Delhi, Parole/Furlough: Guidelines 2010 provides:

“A minimum of six months ought to have elapsed from the date of termination of the previous parole.”

5. The petitioner has preferred to avail parole with effect from

23.12.2015 to 23.01.2016 without waiting that in the near future he may have to seek parole for attending the personal contact programme.

6. Since a minimum period of six months has not been elapsed from the date of termination of the previous parole/furlough availed by the petitioner i.e. with effect from 23.12.2015 to 23.01.2016, the prayer of the Petitioner for releasing him on parole is hereby rejected.

7. Accordingly, the writ petition is dismissed.

As prayed, copy of the order be given dasti to learned counsel for the petitioner under the signature of Court Master.

PRATIBHA RANI, J

MARCH 01, 2016*/hkaur*