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

+ W.P.(CRL) 967/2016

DEVA SINGH

..... Petitioner

Through: Mr. Chetan Lokur, Advocate

versus

STATE

..... Respondent

Through: Mr. R.K. Kundu, ASC (Criminal) with
Mr. Ankit Kumar Gulia and Mr. Vishesh
Wadhwa, Advocates and SI Gurjeet, PS-
Okhla Industrial Area

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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28.03.2016

The present is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) praying for a direction to the competent authority to release the petitioner on furlough for a period of three weeks.

The petitioner is aggrieved by the order dated 22.02.2016 whereby his representation for furlough on the above ground was rejected by the competent authority for the following reasons:-

“Sub: Regarding grant of Furlough to convict Deva Singh
S/o Sh. Mehrao Singh

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 Deva singh S/o Sh. Mehrao Singh as the said convict has beenpunished six times respectively on 28.09.2011, 15.11.2011, 17.012012, 30.06.2013, 01.07.2013 and 01.03.2014 for breaking jail rules. Moreover, Superintendent, Central Jail No.4 has not recommended his application. Hence, he is not eligible as per para 26.1 of Parole/Furlough Guidelines-2010 which states as under:-

‘26.1 Good conduct in the Prison and should have earned Three Annual Good Conduct Remission and continues to maintain good conduct.’”

The reasons stated by the Competent Authority are unsustainable in view of the circumstance that subsequent to the punishments awarded to the petitioner for unsatisfactory conduct in jail, the latter has been released on parole by this Court by way of order dated 17.11.2015. It is also an admitted position that the petitioner's elderly mother is a widow and suffers from various old age related ailments.

In view of the foregoing, I see no impediment in granting furlough to the petitioner. The petitioner is directed to be released on 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.5,000/- (Rupees Five Thousand Only) with one surety of the like amount to the satisfaction of the Superintendent, Central Jail, Tihar subject to the following conditions:-

- (i) The petitioner shall provide the Superintendent, Central Jail, Tihar with his mobile telephone number which he undertakes to keep operational.
- (ii) The petitioner shall not leave the National Capital Territory of Delhi during the period of furlough, without the prior permission of this Court.
- (iii) The petitioner is directed to surrender before the jail authorities at the expiry of the period of furlough.

The writ petition is allowed and disposed of accordingly.

A copy of this order be sent to the Superintendent, Central Jail, Tihar for necessary compliance and communication of the same to the petitioner.

SIDDHARTH MRIDUL, J

MARCH 28, 2016

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