

\$~8

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

+ **W.P.(CRL) 915/2016**

RANA PRATAP SINGH

..... Petitioner

Through: Mr Dhan Mohan and Ms Tanu B. Mishra,
Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr Ajay Digpaul, CGSC with Mr Kunal
Gosain, Advocate for R-1.
Mr Rajesh Mahajan, Addl. Standing
Counsel (Crl.).

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

%

26.04.2016

Mr Digpaul, learned Central Government Standing Counsel appearing on behalf of the Union of India, states that the determination of the representation filed on behalf of the petitioner seeking furlough was made purely on the basis of the information supplied to them by the local police and that they did not conduct any independent verification in this behalf.

Mr Mahajan, learned Additional Standing Counsel (Crl.) appearing on behalf of the Delhi Police, however, fairly does not oppose grant of furlough in the present petition in the facts and circumstances attendant.

In the present petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, the petitioner seeks a direction to the respondent to release him on first spell of furlough of three weeks in order to establish and renew family and social ties.

A perusal of the nominal roll qua the petitioner reveals that he has undergone more than seven years and two months' incarceration out of the total sentence of life imprisonment awarded to him by the competent authority of the

BSF. The conduct of the petitioner has been satisfactory in jail during the past one year. The petitioner was released on furlough by this court w.e.f. 18.11.2014 to 16.12.2014 and is not stated to have misused the liberty granted to him. He had also been released on parole earlier by this court and even on that occasion he is not stated to have misused the liberty.

In view of the foregoing, I see no impediment in allowing the present petition. The petitioner shall be released on the first spell of furlough of three weeks from the date of his release subject to his furnishing personal bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the Jail Superintendent subject to the following conditions:-

- (1) The petitioner shall report to the SHO, Police Station- Chhawla, once a week on every Friday during the period furlough.
- (2) He shall furnish his mobile telephone number, which he undertakes to keep operational, to the concerned SHO.
- (3) He shall not leave the National Capital Territory of Delhi without prior permission of this court.
- (4) Lastly, the petitioner shall surrender before the jail authorities at the expiry of the period of furlough.

With the above directions the writ petition is disposed of.

A copy of this order be sent to the Jail Superintendent for compliance and to be communicated to the petitioner.

Dasti.

SIDDHARTH MRIDUL, J

APRIL 26, 2016

mk