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

+ W.P.(CRL) 1396/2016

HANS RAJ @ SONU

..... Petitioner

Through: Mr Nitish Chaudhary, Advocate for
Mr Chetan Lokur, Advocate.

versus

STATE

..... Respondent

Through: Ms Kamna Vohra, Addl. Standing
Counsel (Crl.) with SI Dharmendra
Pratap Singh, PS- Samaipur Badli, Delhi.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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31.05.2016

The present is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 praying for a direction to the respondent to release the petitioner on first spell of furlough of three weeks.

The petitioner is aggrieved by the order dated 15.03.2016 whereby his application for grant of first spell of furlough has been declined by the competent authority on the solitary ground that the address given by the petitioner was not verified and there was apprehension that he may escape.

The reasons attributed by the competent authority in the order impugned in the present petition to say the least display non-application of mind and are completely erroneous. The apathy of the official respondent to obtain verification from the police of the petitioner's address cannot be visited upon the latter.

Insofar as the apprehension that he may escape is concerned the same seems to be a figment of the official respondent's imagination, inasmuch as, it is

an admitted position that the petitioner was enlarged on parole in the month of January, 2006 and is not stated to have misused the liberty granted to him.

In view of the foregoing, the present petition is allowed. The petitioner shall be released on the first spell of furlough 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) 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 SHO, Police Station- Samaipur Badli, Delhi, once a week on every Tuesday 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 the 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 to be communicated to the petitioner.

SIDDHARTH MRIDUL, J

MAY 31, 2016

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