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

+ **W.P.(CRL) 1314/2016**

PAWAN KUMAR

..... Petitioner

Through: Mr Dhan Mohan, Advocate.

versus

THE STATE (GOVT OF NCT DELHI)

..... Respondent

Through: Ms Nandita Rao, Addl. Standing Counsel
(Crl.).

Insp. Dalshan Lal, PS- Anand Parbat.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

16.05.2016

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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 in order to enable him to re-establish social ties.

The petitioner is aggrieved by the order dated 29.03.2016 whereby his application for grant of first spell of furlough has been rejected by the competent authority for the following reasons:

The convict has not earned 3 AGCR. 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."

2. That house at the given address remain locked and no one reside Police has opposed the release on furlough as there is apprehension of jumping the furlough as he has no permanent address and he is a habitual offender as he has been convicted in two cases and involved in thirteen cases.

As far as the Para 11.1 of Parole/Furlough Guidelines 2010 is concerned the same are merely guidelines and cannot be applied blindly in every case.

The second reason is not sustainable, inasmuch as, it has been verified by the State that the family of the petitioner resides at Gali No.7, New Patel Park, Behind Chhat Puja Mandir, Bahadurgarh, Haryana and that his wife has since passed away.

A perusal of the nominal roll qua the petitioner reveals that he has undergone more than five years' incarceration out of the life imprisonment awarded to him by the trial court. The petitioner has preferred Crl.A. No.1212/2011 against his conviction and sentence and the same has been dismissed by the High Court on 29.07.2013. The overall jail conduct of the petitioner has been satisfactory since the inception of his incarceration.

A perusal of the nominal roll further reveals that the petitioner was earlier released on parole by this court 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.15,000/- 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 concerned SHO, Police Station-Bahadurgarh (Haryana), once 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 jurisdiction of the concerned Police Station in Bahadurgarh without prior permission of the court except to surrender before the jail authorities.
- (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.

Dasti.

SIDDHARTH MRIDUL, J

MAY 16, 2016

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