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

+ W.P.(CRL) 1491/2016

RAKESH

..... Petitioner

Through: Mr. Manoj Pant, Advocate.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr. Kranti Bhandari, Advocate for
Mr. R.S. Kundu, ASC, along with
Inspector Darshan Lal, PS-Anand
Parvat, for the State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

21.07.2016

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The petitioner has filed the present writ petition for issuance of writ in the nature of certiorari quashing the order dated 02.05.2016 passed by the Director General (Prisons), whereby the petitioner's request for grant of furlough for the first time was declined on the ground that the law & order situation may be affected as the convict is bad character of PS-Nangloi, Delhi; there is possibility of his jumping the furlough; he is involved in five other cases; and the possibility of his committing other crimes cannot be ruled out.

The petitioner stands convicted in case arising out of FIR No.62/2002 under Sections 302/ 392/ 394/ 397 read with Section 34 IPC and Sections 25/ 27/ 54/ 59 of the Arms Act. Learned counsel points out that in relation to one other case arising out of FIR No.121/2002 under Section 307/ 186/

353 IPC, he stands convicted. The petitioner has already undergone the sentence in the said case. It is seen that the petitioner has undergone sentence of 14 years 26 months and 5 days as on 20.05.2016. He has also earned remission of 1 year 2 months and 17 days. The petitioner had earlier been granted parole for a period of two weeks between 10.03.2016 and 24.03.2016. The petitioner had surrendered at the end of the period of parole and he was not reported to be involved in any crime while he was on parole. The jail conduct of the petitioner is also satisfactory.

In these circumstances, the conclusions drawn by the Director General (Prisons) in the impugned order do not appear to be substantiated or founded upon any cogent material. The petitioner has not availed of furlough earlier. He seeks furlough to file Special Leave Petition.

In these circumstances, the impugned order is quashed. The petitioner is directed to be released on furlough for a period of two weeks to enable him to prefer Special Leave Petition. This is subject to the condition that he shall furnish a personal bond and provide one surety in the sum of Rs.10,000/- to the satisfaction of the Jail Superintendent. He shall also provide his mobile phone number at the time of his release which shall be kept in working condition at all times and shall not be changed by him without prior intimation to the Jail Superintendent. He shall surrender punctually at the end of the period of furlough.

The petition stands disposed of in the aforesaid terms.

Dasti.

VIPIN SANGHI, J

JULY 21, 2016

B.S. Rohella