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

+ W.P.(CRL) 1993/2016

MAHESH SHARMA

..... Petitioner

Through: Mr. Ambar Tewari & Mr. Akash
Sharma, Advocates.

versus

STATE NCT OF DELHI

..... Respondent

Through: Ms. Kamna Vohra, ASC along with
SI Kamlesh Kumar, PS-Ambedkar
Nagar, for the State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

28.11.2016

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The petitioner has preferred the present writ petition to seek a direction to the respondents to grant him first spell of furlough for a period of three weeks.

The submission of the petitioner is that his wife is pregnant and his mother has recently suffered myocardial infarction. The nominal roll of the petitioner shows that he was lastly released on parole between 16.03.2016 and 14.04.2016. The petitioner is undergoing life sentence under Section 302 IPC. He has already undergone incarceration of 12 years, 3 months and 16 days. He was not granted furlough earlier on account of his unsatisfactory conduct in jail and he was lastly punished on 18.05.2015. However, subsequently, he was granted parole, as noticed hereinabove,

between 16.03.2016 and 14.04.2016. It is not reported that during this period, he has committed any offence. The factual position stated in the petition has been got verified by the State.

In view of the aforesaid, since more than a year has passed from the date of being awarded jail punishment, the petition is allowed. The petitioner is directed to be released on furlough for a period of three weeks subject to:

- i) his furnishing personal bond with one surety in the sum of Rs.10,000/- to the satisfaction of the Jail Superintendent;
 - ii) he shall provide his mobile phone number to the Jail Superintendent at the time of his release, which shall be kept in working condition at all times. The same shall not be changed without prior intimation to the Jail Superintendent;
 - iii) he shall report at the local police station to mark his attendance on every Monday at 11:00 a.m. during the period of furlough;
 - iv) he shall duly surrender before the Jail Superintendent at the expiry of the period of furlough; and
 - v) he shall also not indulge in any criminal activity while on furlough.
- Dasti.

NOVEMBER 28, 2016

B.S. Rohella

VIPIN SANGHI, J