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

+ W.P.(CRL) 2842/2016

DEEPENDER KUMAR @ CHHOTU Petitioner
Through: Mr. Nitish Chaudhary, Advocate.
versus

STATE Respondent
Through: Mr. Sanjay Lao, ASC and
Mr.Siddarth Sindhu, Advocate along
with ASI Sudhir Kumar, Narcotics
Cell Kotwali, for the State.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

30.11.2016

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The petitioner has preferred the present writ petition to assail the order dated 04.06.2016 passed by the respondent rejecting his application for furlough. He also seeks a direction that he be released on furlough for a period of three weeks for maintaining social ties.

The nominal roll shows that the petitioner is convicted in case FIR No.10/2010 under Section 21 of the NDPS Act registered at PS – Narcotics Branch. He is undergoing sentence of ten years Rigorous Imprisonment with fine of Rs.1 Lakh, in default of payment whereof, he is directed to undergo six months Rigorous Imprisonment. His first appeal has been dismissed by this Court with a slight modification on 07.07.2014. The petitioner has undergone 6 years, 6 months and 22 days of incarceration as on 06.09.2016. His jail conduct is satisfactory. On three earlier occasions, he has been released, i.e. once on parole and twice on furlough. His last

furlough was between 30.03.2016 and 14.04.2016. Since the date of his last surrender, more than six months have expired.

The petition is, however, opposed by learned ASC on the ground that in the light of Section 32A read with guideline 26.1 of the Parole/Furlough Guidelines, the petitioner is not entitled to furlough as it tantamounts to remission, which is specifically prohibited by Section 32 of the NDPS Act.

I have heard similar submissions today itself in W.P. (Crl.) No. 2390/2016, *Satpal Mann v. State*. For the same reasons, the petitioners prayer for grant of furlough cannot be granted. However, the petitioner is entitled to parole. The petitioner wishes to reconnect with the society.

In these circumstances, the petitioner is directed to be released on parole for a period of two 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 parole;
- iv) he shall duly surrender at the end of the period of furlough; and
- v) he shall also not indulge in any criminal activity while on parole.

VIPIN SANGHI, J

NOVEMBER 30, 2016

B.S. Rohella