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

+ W.P.(CRL) 3198/2016

RAVI KUMAR

..... Petitioner

Through: Ms. Manika Tripathy, Advocate

versus

STATE (GNCT OF DELHI)

..... Respondent

Through: Mr. Sanjay Lao, ASC with Mr.
Siddarth Sindhu, Adv. with SI Umesh
Yadav, PS UttamNagar

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

09.12.2016

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The petitioner has preferred the present writ petition to seek a direction that he be released on parole for a period of three weeks. Mr. Lao has tendered the nominal roll in court which is taken on record, which shows that the petitioner is undergoing a life sentence in case FIR 979/2006 u/s 302/304 IPC registered at PS Uttam Nagar. The petitioner has undergone 10 years 1 month and 21 days incarceration as on 05.12.2016. His jail conduct has been found to be satisfactory.

The submission of Mr. Lao is that the petitioner was convicted along with his three other brothers in the aforesaid crime. His two brothers, namely, Sanjay and Rajkumar were released on parole/furlough respectively on 22.12.2014 and 21.11.2015 and both have jumped their respective parole/

furlough. The fourth convicted brother Karambir is also in jail presently. Mr. Lao submits that there is every likelihood that if released, the petitioner may also jump the furlough.

The petitioner cannot be made to suffer on account of the conduct of his two brothers. He does not have any control over their movement, particularly since he is in jail when they have escaped. In my view, that cannot be a reason good enough to deny furlough to the petitioner whose jail conduct is otherwise good. However, looking to the propensity of the petitioners brothers, the petitioner would be required to furnish more sound surety. The petition is accordingly allowed.

In these circumstances, the petitioner is directed to be released on furlough for a period of three weeks subject to:

- i) his furnishing personal bond with two surety in the sum of Rs.30,000/- 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 furlough.

VIPIN SANGHI, J

DECEMBER 09, 2016

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