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

+ W.P.(CRL) 2271/2015

SHASHI SHEKHAR @ NEERAJ

..... Petitioner

Through: Mr.Siddharth Yadav, Advocate

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr.Avininder Singh, A.S.C. for the
State with Ms.Megha Bahl &
Mr.Ananya Mohan, Advocates

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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04.04.2016

1. By way of this writ petition filed under Article 226 of the Constitution of India read with Section 482 of Cr.P.C., petitioner is praying for grant of one month furlough on the ground of taking care of his ailing wife & daughter and also for reconnecting social ties with the family & society.
2. Learned counsel for the Petitioner submits that the Petitioner had made representation to the Competent Authority praying for grant of furlough which has been rejected by the Respondent vide order No.F.10(1224)/CJ/Legal/2015/5697 dated 13th August, 2015.
3. The order dated 13th August, 2015 rejecting the application of the petitioner for grant of furlough is to the following effect:-

“This is in reference to the captioned subject. In this regard, it is to inform you that the Competent Authority has declined the application for grant of 1st Spell of Furlough to the convict

Shahi Shekhar @ Neeraj S/o Mani Ram as the said convict has been punished for breaking jail rules on 16.08.2011, 25.02.2012, 16.03.2012, 11.07.2014 & 08.08.2014. His conduct is not satisfactory. The convict has been convicted in two other cases (i) FIR No.509/95, u/s 302/392 IPC, PS-Vasant Kunj (ii) FIR No.76/96, u/s 302/392/397 IPC, PS-CR Park. His case is not recommended by the Superintendent Jail, for unsatisfactory conduct. The said convict is not eligible as per para 26.2 & 26.2 of Parole/furlough guidelines-2010 which states as under:-

26.1 "Good conduct in the prison and continues to maintain good conduct.

26.2 "The prisoner should not be a habitual offender.""

4. Nominal roll of the petitioner has also been placed on record as per which the overall jail conduct of the petitioner is unsatisfactory as punishment dated 16.08.2011, 25.02.2012, 11.07.2014 and 08.08.2014 have been awarded to him.

5. As per clause 11.2 of Parole/Furlough Guidelines-2010, in order to be eligible for release on furlough, the conduct of the convict in prison must have been uniformly good.

6. It is necessary to record here that just prior to the passing of the order rejecting furlough this Court has granted parole to Shashi Shekhar @ Neeraj, the petitioner in W.P.(Crl.) 897/2015 in view of the illness of his wife despite the fact that he has been convicted for multiple murder and his conduct has been unsatisfactory observing as under:-

"Considering the emergency, the petitioner has preferred the present petition. However, during the pendency of the present petition, the competent authority passed the order on 28.04.2015, rejecting the prayer of the petitioner. The aforesaid order has been brought on record by the petitioner. A perusal of the order reflects that parole was rejected on the ground that there was no requisite police verification about the address and

the grounds taken by the petitioner. The order also takes reference of para 12.5 of Parole/Furlough guidelines, 2010 which provides that parole would not normally be granted if the petitioner is convicted of murder and rape or convicted for multiple murders.

The nominal roll of the petitioner discloses that he has been convicted for offences punishable under Sections 302 & 392 of the Indian Penal Code. There are two other cases against him in which he has been convicted under Sections 302/392 and 302/392/397 IPC. The conduct of the petitioner is unsatisfactory as he has been punished a number of times. The nominal roll further reflects that no labour work has been allotted to him because he is lodged in high security ward.

Considering the fact that wife of the petitioner has to be operated upon and for which, date for admission in the hospital has been fixed, this court is inclined to release the petitioner on parole for a period of 30 days from the date of release.

The petitioner would be released on parole on his furnishing a bond in the sum of Rs.10,000/- with two sureties of the like amount, one such surety being of a close relative of the petitioner who would not be having any criminal antecedents, subject to the satisfaction of the Superintendent of the concerned jail.”

7. In view of the above, I do not find any ground to interfere with the order rejecting the prayer of the petitioner for release on furlough. This writ petition is, therefore, dismissed.

8. Petitioner be informed through the concerned Jail Superintendent about the orders passed.

PRATIBHA RANI, J.

APRIL 04, 2016/‘pg’