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

+ W.P.(CRL) 2875/2015

DEEPENDER KUMAR @ CHHOTU

..... Petitioner

Through: Mr.Nitish Chaudhary, Advocate for
Mr.Chetan Lokur, Advocate

versus

STATE

..... Respondent

Through: Mr.Rahul Mehra, St.Counsel for the
State with Mr.Jamal Akhtar Advocate
and SI Manoj Kumar.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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10.03.2016

1. By way of this writ petition filed under Article 226 of the Constitution of India read with Section 482 of Cr.P.C., the Petitioner is seeking furlough for a period of two weeks for maintaining social ties.
2. Status report has been filed by the State verifying the address of the Petitioner to be correct.
3. 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 vide order No.F.10(1224)/CJ/Legal/2015/5473 dated 31.10.2015 for the reason that the convicts under NDPS Act are not entitled for remissions as per Section 32A of NDPS Act, whereas furlough is a kind of remission granted to convicts and even the present petitioner has

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not earned any Annual Good Conduct Remission, as required under Parole/Furlough Guidelines-2010.

4. Learned counsel for the petitioner submits that the convicts who are undergoing sentence for committing the offence punishable under NDPS Act are being granted furlough by this Court. Learned counsel for the petitioner has placed on record the copy of the order dated 29.07.2015 passed by this Court in W.P.(CrI.) No.1557/2015 whereby the petitioner has been granted furlough for a period of three weeks.

5. On behalf of State, it is submitted that appropriate order may be passed keeping in view Parole/Furlough Guidelines-2010 issued by the Government of National Capital Territory of Delhi.

6. As per nominal roll, the overall jail conduct of the Petitioner as well as jail conduct in last one year is mentioned as 'Satisfactory'.

7. Considering the facts and circumstance of the case, the prayer for grant of furlough is allowed to the extent that the Petitioner is granted furlough for a period of two weeks from the date of his release, on his furnishing personal bond in the sum of ₹ 10,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent and subject to the following conditions:-

(i) Since the petitioner is being granted furlough for the purpose of re-establishing social ties and he is permanent resident of Village Mahawa, PS Neem Ka Thana, Distt. Sikar, Rajasthan, he shall keep the SHO/Duty Officer, PS Narcotics Branch, Delhi informed about his place of residence during the period of furlough and his contact numbers i.e. mobile, landline or both.

(ii) The Petitioner shall report on every Monday at 11 AM to the Duty Officer of the concerned Police Station/Police Post under the jurisdiction of which, the Petitioner shall stay during the period of furlough in his native town.

(iii) While submitting the bail bond, he will furnish to the Jail Superintendent the address and the contact numbers of the place where he would reside during the period of furlough.

(iv) The petitioner shall not try to contact or influence the complainant/witnesses.

8. It is, however, made clear that on expiry of period of furlough, the Petitioner shall surrender before the concerned Jail Superintendent, who shall submit the surrender report to this Court.

9. Writ Petition stands allowed in the above terms.

10. The Petitioner be informed through the Jail Superintendent about the order passed.

Order *dasti*.

PRATIBHA RANI, J.

MARCH 10, 2016

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