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

+ W.P.(CRL) 29/2016

GYAN CHAND @ KALLU Petitioner
Through: Mr. O.P. Saxena, Adv.

versus

STATE Respondent
Through: Mr.Sanjay Lao, ASC with
Mr.Siddharth Sindhu, Adv.
ASI Devender kumar, P.S. Uttam
Nagar

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **08.01.2016**

The prayer of the petitioner for being released on the first spell of furlough for the current year had been acceded to by order dated 10.07.2015. The petitioner was directed to furnish one surety of Rs.10,000/- along with a personal bond of the like amount for his release. The release on furlough was made conditional on his maintaining good behaviour during the furlough and on his residing at the given address only. The petitioner was also directed to visit the concerned Police Station once a week.

Despite the aforesaid order, the petitioner was not released from Central Jail No.5, Tihar on the ground that one of the co-accused namely Chintu who was released on furlough had jumped the furlough bond. One of the guidelines for grant of parole and furlough is that none of the co-accused in the same case should have jumped the bail/parole/furlough bonds.

Learned counsel for the petitioner submits that the petitioner has got no control over the other co-accused who has jumped the bond that he is not at all related or associated with the other co-accused. It has been submitted that the petitioner has been released on furlough/parole in the past also and on every occasion that he had availed of the furlough and parole, he surrendered before the jail authorities on or before the time so specified by the orders. The petitioner has remained in jail for about 15 years by now and his overall conduct in jail has been satisfactory.

Mr Sanjay Lao, Additional Standing Counsel, however, submits that seeing the contingency, the petitioner may be allowed furlough but only on his furnishing a bond in the sum of Rs.10,000/- with two sureties of the like amount.

Considering the aforesaid facts, the petitioner is directed to be released on furlough for a period of three weeks from the date of his release on his furnishing a bond in the sum of Rs.10,000/- with two sureties of the like amount to the satisfaction of the Superintendent of the Central Jail No.5, Tihar.

The other conditions, which were imposed by the order dated 10.07.2015, shall subsist and the petitioner would be required to follow the aforesaid conditions for obtaining furlough.

With these observations, the petition is disposed of.

A copy of this order be communicated to the Superintendent of the concerned Jail for information and compliance.

ASHUTOSH KUMAR, J

JANUARY 08, 2016/ns