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

+ W.P.(CRL) 334/2017

MOHD. ANWAR @ ANWAR THAKUR Petitioner

Through: Mr. M.L.Yadav, Advocate

versus

STATE GNCT OF DELHI

..... Respondent

Through: Mr. Rahul Mehra, SC with Mr. Jamal
Akhtar, Advocate with SI Prakash, PS
Sadar Bazar.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

28.02.2017

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The petitioner has preferred the present writ petition to seek quashing of the communication dated 06.01.2017 issued by the office of the Director General of Prisons rejecting the application for furlough made by the petitioner. The petitioner also seeks a second spell of furlough for a period of two weeks. The reason given for rejecting the application for grant of second spell of furlough to the petitioner convict is that he had earlier been served jail punishments.

The nominal roll has been called and the same is on record. The same shows that the petitioner was subjected to punishments in 2009, 2011 and lastly on 25.04.2013. Thereafter, he has been regularly released on furlough and parole. He availed of four spells of furlough in the calendar year 2016 and has also availed of parole in 2014, 2015 and 2016. The ground for rejection of the petitioner's application is, therefore, not justified and the same cannot be sustained.

The nominal roll shows that the petitioner is undergoing a life sentence in case FIR No. 279/1992 under Sections 302/307/34 IPC and 5 of TADA Act, registered at police station Sadar Bazar. He has undergone nearly 26 years, including, the period of remission. It is not reported that while the petitioner was earlier released on furlough or parole, he misused the said parole and indulged in other criminal activity subsequent to 2014.

In these circumstances, I am inclined to allow the present petition. The petition is directed to be released on furlough for a period of two weeks upon his furnishing personal bond in the sum of Rs. 20,000/- with one surety in the like amount to the satisfaction of the Jail Superintendent. This is further subject to the condition that;

- i) 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;
- ii) he shall report at the local police station to mark his attendance on every third day at 11:00 a.m. during the period of parole;
- iii) he shall duly surrender at the end of the period of parole; and
- iv) he shall also not indulge in any criminal activity while on parole.

The petition stands disposed of. A copy of this order be communicated to the Jail Superintendent for compliance. Dasti.

VIPIN SANGHI, J

FEBRUARY 28, 2017

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