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

+ W.P.(CRL) 2248/2016

GUDDU @ PANDU

..... Petitioner

Through: Ms. Neha Kapoor and Naomi
Chandra, Adv.

versus

STATE

..... Respondent

Through: Ms. Richa Kapoor, ASC with Ms.
Mallika Parmar and Ms. Seema
Patnaha, Adv. with SI Dinesh Kumar,
PS Seelampur

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

23.01.2017

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The petitioner has preferred the present writ petition to seek the quashing of the order dated 04.06.2016, whereby the petitioner's application for furlough has been rejected on the ground that he is a bad character of the area and there is apprehension that he may commit offence if released on furlough. The petitioner also seeks furlough for a period of three weeks. The nominal roll shows that the petitioner is undergoing a life sentence in case FIR 95/2009. The petitioner has undergone 7 years 3 months 26 days incarceration as on 19.07.2016. His jail conduct has been found to be satisfactory since 2013. He was also released on parole for a period of one month between 23.09.2015 and 23.10.2015. It is not reported that he had committed any offence during the said period. The petitioner's address, which is the premises of his married sister, has been got verified. The

petitioner's parents have already expired. The petitioner states that he shall be staying with his sister during the period of furlough.

Under the guidelines, furlough cannot be denied merely because the petitioner may be a bad character of the area. Even earlier when he was granted parole, it is not reported that he committed any offence. Consequently, looking to his jail conduct in the last three years, I am of the view that rejection of his application was not proper. The impugned order is, therefore, set aside.

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 one surety in the sum of Rs.5,000/- 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 furlough;
- 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.

A copy of this order be communicated to the petitioner through the Jail Superintendant.

VIPIN SANGHI, J

JANUARY 23, 2017

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