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

+ W.P.(CRL) 1144/2017

MAHESH SHARMA @ CHINTU Petitioner

Through: Mr.V.K.Jha, Adv.

versus

STATE NCT OF DELHI & ANR Respondents

Through: Mr.R.S.Kundu, ASC.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **19.07.2017**

The petitioner is aggrieved by the order dated 28.01.2017 whereby his request for the second spell of furlough has been rejected. The petitioner was found to have broken jail rules and was punished for 16 times in the last three years. The petitioner was also found to have been involved in a dacoity case while he was on parole.

The other ground apart from these two for rejecting the prayer of the petitioner was that he had been released on parole only on 25.03.2017 and continued to remain on parole till 22.04.2017.

Learned counsel for the petitioner, however, has submitted that after the punishments given to him for jail offences, the petitioner was released on parole or furlough by various orders of this Court as well as of the competent authority. He further submits that he has remained in jail for about 13 years by now and in all other cases in which he was made accused,

he has either been discharged or acquitted. He further submits that deliberately cases have been foisted on him because he does not in the good books of the local police.

Be that as it may, for the present, the petitioner presses for grant of furlough on the ground that his mother-in-law is suffering from cancer and his wife has developed a cyst after pregnancy for which she is to be admitted in hospital today and has to be operated upon tomorrow i.e. 20.07.2017. The aforesaid fact has been verified by the State and has been found to be true.

Taking into consideration the immediate requirement of the petitioner to come out of jail to provide assistance to his wife who is to be operated upon, this Court feels inclined to release him for a period of 10 days.

Let the petitioner be released for a period of 10 days, to be counted from the date of his release on his furnishing bond in the sum of Rs.5000/- with one surety of like amount to the satisfaction of the Superintendent of the concerned jail.

The petitioner shall abide by the conditions listed below:-

- a) The petitioner shall surrender before the jail authorities on or before the expiry of the said period.
- b) The petitioner shall not engage himself in any unlawful activity.
- c) The petitioner would not leave, under any circumstance, the National Capital Region of Delhi, without intimating the officer-in-charge of the concerned police station.
- d) He shall furnish his and his sureties' mobile telephone numbers to the SHO of the concerned police station so that in case of necessity he could be tracked and his whereabouts could be ascertained.

The petitioner shall positively surrender on the expiry of the period.

Any attempt of the petitioner to delay his surrender before the jail authorities would be viewed very seriously.

With these observations, the petition is disposed of.

The order be communicated to the Superintendent of the concerned jail for compliance and record.

Dasti.

ASHUTOSH KUMAR, J

JULY 19, 2017

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