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

+ W.P.(CRL) 1914/2017

VISHAL

..... Petitioner

Through: Mr. M.L. Yadav, Advocate.

versus

STATE

..... Respondent

Through: Mr. Jamal Akhtar, Advocate.

SI Ashish Gaba, PS Kashmere Gate.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

12.10.2017

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The request of the petitioner for being released on furlough for a period of three weeks, was rejected by the competent authority vide order dated 29.05.2017, citing the reason that the petitioner had jumped the earlier spell of furlough and had to be re-arrested and sent to jail.

Learned counsel for the petitioner has submitted that prior to the earlier furlough, his conduct in jail has been satisfactory. He has further submitted that he has remained in jail for more than seven years by now.

Mr. M.L.Yadav, learned advocate appearing for the petitioner, has explained that on the last occasion when the petitioner had gone to the jail to surrender, he was not admitted in jail for the reason that it had already become late for him to be taken in prison. Thereafter, a death took place in the family of the petitioner and he thereafter lost his mental balance. However, considering the fact that the petitioner, apart from that incident when he had jumped the furlough, has shown good behaviour in the jail, this Court is inclined to release him on furlough for three weeks. While

saying so, this court has taken into account the fact that he has remained in jail for more than 7years.

The petitioner is directed to be released on furlough on his furnishing of bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the Superintendent of the concerned jail.

The petitioner shall however, be subject to the following conditions:-

- (a) He shall not meet the family of the victim or the witnesses on whose deposition he was convicted;
- (b) He shall not leave the territorial boundaries of the NCR;
- (c) He shall furnish his mobile telephone number and mobile telephone number of any relative of his to the SHO of the concerned police station;
- (d) He shall personally visit the police station and would get his presence marked by the SHO or any officer designated by the SHO on every Monday of the week till the time he is on furlough;
- (e) He shall surrender before the jail authorities on or before the date of expiry of the furlough.

In case, the petitioner flouts any one of the conditions, an application could be moved by the SHO for cancellation of his parole and for taking of coercive steps for securing his attendance.

With these observations, the petition is disposed of.

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

ASHUTOSH KUMAR, J

OCTOBER 12, 2017/NC