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

+ W.P.(CRL) 2166/2017

RAM NIWAS @ RAMU Petitioner
Through: Mr. Siddharth Yadav, Adv.

versus

STATE NCT OF DELHI Respondent
Through: Mr. Jamal Akhtar, Adv. for Mr. Rahul
Mehra, St. Counsel.
SI Parveen Kumar, P.S. Mandawali

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **08.08.2017**

The petitioner was granted the third spell of furlough by the competent authority by order dated 01.07.2017. The petitioner availed of the same and has surrendered before the jail authorities on 05.08.2017. A prayer was made on behalf of the petitioner for grant of parole during the period of furlough as he had applied before the competent authority for the same on the ground of attending to his wife, who is in an advanced stage of pregnancy. That application, which was filed on 13.07.2017, has not yet been acted upon.

Learned counsel for the petitioner submits that his wife is to deliver by mid August. The aforesaid contention of the petitioner has been verified and has been found to be true. However, it has submitted on behalf of the respondent that the petitioner has surrendered only on 05.08.2017, after having availed two weeks of furlough and therefore, even if he is released

for the specific purpose of attending to his wife, the period of release should not be more than two weeks and it be not taken as a precedent for the other cases.

Taking into account the fact that there is nobody else in the family of the petitioner to take care of his wife and the fact that his wife is in an advanced stage of pregnancy, this Court is inclined to release him on parole for a period of two weeks, coinciding with the date of delivery of his wife, to be counted from the date of his release.

Let the petitioner be released on parole for a period of two weeks, coinciding with the date of delivery of his wife, to be counted from the date of his release, on his furnishing a bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the Superintendent of the concerned jail.

The petitioner shall be required to follow the conditions listed below:-

- a) The petitioner shall surrender on or before the expiry of the said period of parole.
- b) The petitioner shall not engage himself in any unlawful activity.
- c) The petitioner would not leave, under any circumstance, the National Capital Region.
- d) He shall furnish his and his surety's 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.

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.

Dasti.

ASHUTOSH KUMAR, J

AUGUST 08, 2017

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