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

+ W.P.(CRL) 2267/2017

MANGAL

..... Petitioner

Through: Mohammd Faraz, Advocate.

Versus

STATE

..... Respondent

Through: Mr. R.S. Kundu, ADC for State with
Mr. Bhagat Singh & Ms. Shreshtha,
Advocates.
SI Devender, PS Dabri.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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12.10.2017

The petitioner has questioned the order dated 03.03.2017 passed by the competent authority whereby his prayer for being released on furlough, has been rejected because of his having not shown good conduct in jail.

From the Nominal Roll, it appears that the petitioner has remained in jail for more than 12 years and that on several occasions in the past, he has been released on parole and furlough by either the orders of this court or by the competent authority. However, on one occasion in the year 2016, the petitioner jumped the furlough and surrendered only on 07.09.2016, i.e., after 11 days of the termination of the period of the aforesaid furlough. Thereafter also, the petitioner was granted parole in the year 2017 (w.e.f. 23.02.2017 to 08.03.2017) by the order of this court.

The conduct of the petitioner has been shown to be unsatisfactory only because of his having surrendered later than the date on which the last furlough had expired. No other bad conduct has been shown in the Nominal Roll.

Taking into account the total period of the custody of the petitioner, this court is inclined to release him on the first spell of furlough of three weeks.

The petitioner is directed to be released on furlough of three weeks, to be counted from the date of his release on his furnishing bond in the sum of Rs. 5,000/- with one surety in the like amount to the satisfaction of the Superintendent of the concerned jail.

The petitioner shall, however, abide by the conditions listed below :-

- a) The petitioner shall surrender before the jail authorities 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 of Delhi, without intimating the officer-in-charge of the concerned police station.
- d) He shall furnish his and the 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.

ASHUTOSH KUMAR, J

OCTOBER 12, 2017

NC