

\$~35

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2527/2017**

SANJAY DASS Petitioner
Through: Mr. Sumeet Verma, Advocate.

versus

STATE Respondent
Through: Mr. Sanjay Jao, Additional Standing
Counsel with SI Jaswant, PS-Roop Nagar.

CORAM:
HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER
% **05.09.2017**

The present writ petition has been filed under Article 226 of the Constitution of India read with Section 482 Cr.PC for issuance of writ in the nature of certiorari amending the order dated 17.05.2017 passed by the office of the Director General of Prisons, Prison Headquarters, Tihar, Janak Puri, Delhi whereby the petitioner was granted furlough for a period of three weeks on furnishing of a surety of Rs.10,000/-.

Learned counsel for the petitioner submits that the petitioner has already undergone more than 10 years in incarceration and his jail conduct was found satisfactory; that the petitioner was directed to be released on cash surety of Rs.10,000/- earlier also at the time of granting parole; that the petitioner was granted furlough vide order dated 13.03.2017 but he could not avail the same for want of surety; that the petitioner did not jump or misuse the parole granted to him on earlier occasions.

Learned Additional Standing Counsel for the State opposed the present petition on the ground that the petitioner has been sentenced to undergo life imprisonment which was commuted from death sentence with direction to consider for premature release after 25 years of actual sentence. He further submits that the petitioner has yet to serve about 15 years of his sentence and there is every possibility of absconding.

I have heard the counsel for the parties and perused the record.

Perusal of the record shows that the petitioner was granted parole for three weeks thrice by this Court and he did not misuse such liberty and surrendered before the competent authority on time. Earlier also, the predecessor of this Court modified the condition of release of petitioner on furnishing a cash security while granting parole to him.

Keeping in view the facts and circumstances of the present case, the order dated 17.05.2017 is modified to the extent that the petitioner shall furnish a personal bond in the sum of Rs.10,000/- with one surety which may be a cash security of the like amount, subject to the satisfaction of the Superintendent Jail, Central Jail No. 2, Tihar Jail, Delhi. Other terms and conditions imposed vide order dated 30.03.2017 while granting furlough to the petitioner shall remain unchanged.

The petition stands disposed of.

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 05, 2017

gr