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

+ **W.P.(CRL) 3287/2017**

BHUPENDER SINGH

..... Petitioner

Through: Mr.Tarun Khanna, Advocate

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr.Sanjay Lao, ASC for the State
with SI Sandeep Verma
PS Safdarjung Enclave

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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04.12.2017

1. By way of this writ petition filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C., petitioner is seeking furlough for a period of three weeks.
2. Earlier the petitioner was granted parole for a period of four weeks vide order dated 27th March, 2017 in W.P.(Crl.) No.690/2017 subject to imposition of some conditions. The relevant portion of the order dated 27th March, 2017 reads as under:

'The status report shows that the petitioner and his wife are inimical towards each other. The wife of the petitioner has repeatedly filed applications seeking either cancellation of his parole or making allegations against the petitioner of issuing threats to her and her daughter and thereby opposing grant of parole to the petitioner.'

According to the petitioner, his wife is misappropriating the properties left by his father and, therefore, he needs to attend to the said properties as the same are being siphoned off by his wife.

Keeping in view of the previous record of the petitioner, in my view, the petitioner cannot be denied parole. Accordingly, he is directed to be released on parole for a period of four weeks to be able to attend to his properties. This is further subject to the condition that the petitioner shall not visit the premises where his wife and minor daughter are residing i.e. 70, Humanyupur, New Delhi. The petitioner shall also not contact his wife, or enter into any altercation with her. He shall not cause any harm to the wife and to his minor daughter. This is further subject to the condition that;

- i) he shall file his furnishing personal bond with one surety in the sum of Rs.20,000 /- to the satisfaction of the Jail Superintendent;*
- ii) he shall provide his mobile phone number to the Jail Superintendent at the time of his release, which shall be kept in working condition at all times. The same shall not be changed without prior intimation to the Jail Superintendent;*
- iii) he shall report at the local police station to mark his attendance on every Monday at 11:00 a.m. during the period of parole;*
- iv) he shall duly surrender at the end of the period of parole; and*
- v) he shall also not indulge in any criminal activity while on parole.'*

3. Status report on behalf of the State has been filed to the following effect:

"1) Most respectfully, it is submitted that the petitioner Bhupender Singh has filed the present petition of Furlough for a period of 03 weeks.

2) That the petitioner/convict is undergoing life imprisonment in case FIR No.227/2010 u/s 302 IPC PS S.J. Enclave which was registered against the convict Bhupinder Singh for the murder of his own son.

3) The petitioner was granted 4 weeks' Parole by the Hon'ble High Court vide its order dated 27.03.2017 subject to some condition imposed by it. While out of jail on parole convict (petitioner herein) picked up quarrel with his wife and daughter and intimidated both of them followed by several counter complaints filed with police station S.J. Enclave from both sides. Moreover, convict's wife Mrs.Sudesh Rani filed petition W.P.(Crl.) No.2316/2016 against the parole granted to the convict/petitioner Sh.Bhupinder Singh.

4) That while disposing of W.P.(Crl.) No.2316/2016, filed by the Mrs.Sudesh Rani against petitioner's parole this Hon'ble Court gave direction to intimate the Wife Smt.Sudesh Rani and daughter Ms.Tanya Phogat of the petitioner before deciding any further application of the convict/petitioner for parole. The address of the petitioner is verified.

5) That as per the directions of Hon'ble High Court the wife Smt.Sudesh Rani and daughter Ms.Tanya Phogat have been intimated regarding present petition for three weeks' furlough filed by the petitioner Mr.Bhupender Phogat. They both have objected to the same and requested in writing not to grant Furlough to the petitioner granted Furlough.

In view of the above mentioned facts and circumstances, furlough may not be granted to the petitioner. However, directions/orders, whatsoever, passed by this Hon'ble Court will be complied with/followed by the undersigned.

Submitted please.'

4. As per the Status report, in compliance of the directions passed by this Court in W.P.(Crl.) No.2316/2016, the wife of the petitioner has been intimated about the prayer of the petitioner to seek his release on parole.

5. Nominal roll of the petitioner has also been placed on record as per which the jail conduct of the petitioner for the last one year was satisfactory.
6. Accordingly, the petitioner is directed to be released on furlough for a period of two weeks subject to the same condition as earlier imposed vide order dated 27th March, 2017 passed in W.P.(Crl.) No.2316/2016.
7. The petition is disposed of.

PRATIBHA RANI, J.

DECEMBER 04, 2017

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