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

+ W.P.(CRL) 1341/2018

BAL KISHAN

..... Petitioner

Represented by: Mr. Dhruv Gupta and
Mr.Puneet Garg, Advocates.

versus

STATE

..... Respondent

Represented by: Mr.R.S. Kundu, Additional
Standing Counsel for State with
SI Omveer Singh, PS Nand
Nagri.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

11.05.2018

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1. The limited prayer of the petitioner in the present petition is that despite having granted furlough vide order dated 26th February, 2018, the petitioner has not been able to avail the same for the reason the co-convict is out on furlough.

2. Learned counsel for the petitioner refers to the parole/furlough guidelines wherein though in cases of grant of furlough it is specifically mentioned in Clause-13, "If there are more than one convicts in a case who are lodged in the same prison, the co-accused convicts would not be released simultaneously except upon special circumstances to be mentioned in the order granting parole", however, the same is not mentioned in furlough guidelines.

3. Learned counsel for the petitioner contends that though the above noted condition is applicable to the cases of parole it has no application for furlough as is evident from the furlough guidelines.
4. Learned Additional Standing Counsel for State has filed a status report along with Annexure P-1 which is a circular dated 27th May, 2015 whereby it has been clarified that co-accused convicts in a case will not be released simultaneously or at the same time on furlough, as followed in cases of parole, granted to the convicts by the competent authority, however, in specific cases permission should be obtained from Prison, Headquarters to allow in exceptional cases.
5. As per the status report, the co-convict of the petitioner Mukesh was released on furlough for a period of three weeks from 25th April, 2018 to 17th May, 2018. Petitioner having shown no exigency to direct release of the petitioner on furlough immediately when the co-convict is out on furlough, this Court finds no reason to pass an order directing release of the petitioner on furlough forthwith. However, the petitioner would be at liberty to avail the furlough by filing his personal bond and surety bond after co-convict Mukesh surrenders.
6. Petition is dismissed.
7. Copy of the order be communicated to the petitioner through Superintendent, Tihar Jail.

MUKTA GUPTA, J.

MAY 11, 2018
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