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

+ W.P.(CRL) 2320/2018

MD. JAFFAR

..... Petitioner

Represented by: Mr. Deepak Anand, Advocate
(DHCLSC)

Petitioner produced in custody

versus

STATE

..... Respondent

Represented by: Mr. R.S. Kundu, Additional Standing
Counsel for State with Ms. Suman
Saharan, Advocate with SI Bachhan
Singh, PS Keshav Puram.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

26.10.2018

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1. By this petition, petitioner seeks quashing of order dated 27th April, 2018 passed by the competent authority at Prisons Headquarter rejecting the application of the petitioner for modifying the order dated 27th December, 2017 whereby the petitioner was granted first spell of furlough for a period of three weeks on his furnishing two surety bonds of ₹10,000/- with a personal bond of the like amount besides other conditions remaining same.
2. Grievance of the petitioner is that the mother of the petitioner has passed away, and his wife has already left the four children born from the wedlock to his father. Thus his father is in a penury condition and cannot afford to furnish surety bonds as directed.

3. A status report has been filed verifying that the family of the petitioner consists of his father, step mother, wife and four children. However, on visiting the wife of the petitioner was not found residing with the family.

4. As per the nominal roll the petitioner was earlier granted parole by this Court in the year 2017 which order was modified however, despite the modified order the petitioner could not avail the parole in view of his family's pecuniary condition.

5. Petitioner, who is produced in custody, states that he has earned a sum of ₹16,000/- in the Prisons which is lying deposited in his account, thus he is in a position to furnish cash surety instead of surety bond.

6. Considering that the petitioner has neither been able to avail the parole nor the furlough and has been in continuous incarceration nearly for the last seven years, this Court deems it fit to modify the order dated 27th December, 2017 passed by the competent authority granting furlough. It is now directed that the petitioner be released on furlough for a period of three weeks on his furnishing a personal bond in the sum of ₹10,000/- with one cash surety of the like amount, subject to the satisfaction of the Superintendent, Mandoli Jail. Rest of the conditions imposed vide order dated 27th December, 2017 will remain same.

7. Petition is disposed of. Copy of the order be communicated to the petitioner through Superintendent, Mandoli Jail.

MUKTA GUPTA, J.

**OCTOBER 26, 2018/'vn'
W.P.(CRL) 2320/2018**

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