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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 2335/2018

SIKANDER

..... Petitioner

Through: Ms. Anu Narula, Advocate
(DHCLSC).

Versus

STATE

..... Respondent

Through: Ms. Kamna Vohra, Additional Public
Prosecutor for State.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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03.10.2018

The petitioner seeks furlough for his good conduct for serving a sentence under the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act). His application for the same has been declined on the ground that in NDPS cases, such a remission cannot be granted. The Court is not persuaded by the said order because furlough is a remission earned on account of good conduct, which serves the basic purpose of the incarcerated convict i.e. reformatory process and not retributive one.

The learned counsel for the petitioner refers to the order of this Court dated 11.12.2017 in W.P.(Crl.) No. 3569/2016, which granted furlough to an NDPS convict.

In view of the above, the application is allowed. The petitioner shall be released on furlough for a period of three weeks from the date of his

release on his furnishing a personal bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the Jail Superintendent concerned, subject to the following conditions:-

- (1) The petitioner shall report to the Station House Officer (SHO) concerned, Police Station NCB, Shakarpur, Delhi, once a week on every Tuesday during the period of furlough;
- (2) He shall furnish his telephone number to the SHO concerned, which the petitioner shall keep operational at all times;
- (3) The petitioner shall surrender before the Jail Authorities at the expiry of the period of furlough.

With the above directions, the writ petition is disposed-off.

A copy of this order be given *dasti* to the learned counsel for the parties and a copy be sent to the Jail Superintendent concerned for compliance.

NAJMI WAZIRI, J.

OCTOBER 03, 2018

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