

\$~57

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(CRL) 2878/2018

MADAN SINGH

..... Petitioner

Through: Mr. Saurabh Soni and Miss. Manna
K. Singh, Advocates.

Versus

STATE

..... Respondent

Through: Mr. Piyush Singhal for Mr. Ashish
Aggarwal, Additional Standing
Counsel for State with SI Vijay K.,
P.S. Prashant Vihar.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

O R D E R

%

24.09.2018

Issue notice.

The learned counsel named above accepts notice for State.

At joint request, the petition is taken up for disposal.

The petitioner seeks parole. The application was rejected on the ground that he had enjoyed furlough of three weeks in the month of June, 2018. The reason for rejection betrays appreciation of the concept behind furlough and parole; the former was granted to the petitioner on account of his satisfactory conduct in jail. In other words, he had earned the furlough; whereas in the latter case, the petitioner seeks release from the jail for the reasons mentioned in the application i.e. to search a suitable life partner for his son whom he considers of a marriageable age, as well as to re-establish social ties with his family and society. Therefore, the rejection of the application is unsustainable.

The Court would note that the punishment awarded to the convict is primarily reformatory in nature and not retributive.

The Nominal Roll of the petitioner shows that he has undergone incarceration for 16 years 11 months and 8 days as of 27.08.2018 and has earned a remission of 4 years 3 months and 17 days. He has been granted furlough and parole on various occasions but he has never misused the liberty granted. His overall conduct in jail is stated to be satisfactory.

In view of the above, the application is allowed. The petitioner shall be released on parole for a period of four weeks from the date of his release on his furnishing a personal bond in the sum of Rs.15,000/- 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 Prashant Vihar, Delhi, once a week on every Tuesday during the period of parole;
- (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 parole.

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.

SEPTEMBER 24, 2018/sb