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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 2829/2018

AJEET @ BHURE

..... Petitioner

Through: Mr. Gaurav Gupta, Advocate.

Versus

STATE

..... Respondent

Through: Mr. Jamal Akhtar for Mr. Rahul Mehra, Standing Counsel for State with SI Sanjeev Kumar, P.S. Mayur Vihar.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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03.10.2018

The order of the respondent declining the petitioner's request for parole show confusion in appreciation of the concepts behind furlough and parole. The petitioner's application was rejected on the ground that he had enjoyed parole of four weeks from 19.01.2018 to 16.02.2018 as well as furlough of two weeks 23.02.2018 to 09.03.2018. The furlough was granted to the petitioner on account of his satisfactory conduct in jail. In other words, he had earned furloughs; whereas in the latter case, the petitioner seeks release from the jail for the reasons mentioned in the application i.e. to re-establish social ties with his family. Therefore, the rejection of the application is unsustainable.

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

The Nominal Roll of the petitioner shows that he has undergone incarceration for 9 years 6 months and 14 days as of 06.08.2018 and has earned a remission of 3 years 2 months and 11 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. His latest address has been verified.

In view of the above, the application is allowed. The petitioner shall be released on parole for a period of one month from the date of his release on his furnishing a personal bond in the sum of Rs.10,000/- with one cash 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 Mayur Vihar, New 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) He shall not leave the territory of NCT of Delhi;
- (4) 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.

OCTOBER 03, 2018

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