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

+ **W.P.(CRL) 3471/2018**

ANIS

..... Petitioner

Through: Mr. Abhir Datt for Mr. Manu Sharma,
Advocate (DHCLSC).

Versus

STATE

..... Respondent

Through: Mr. Sanjay Lao, Addl. Standing Counsel for
Mr. Rahul Mehra, Standing Counsel for
State with
Mr. Jamal Akhtar, Adv. and SI Shailendra
Kr. Singh, P.S. Gokulpuri.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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15.11.2018

Crl. M.A. No.47260/2018 (for exemption)

Allowed, subject to all just exceptions.

The application stands disposed-off

W.P.(CRL) 3471/2018

Issue notice.

Mr. Lao, the learned Standing Counsel accepts notice for State.

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

The petitioner seeks parole for two months to re-establish social ties with the family and society. However, his request was declined by the State by order dated 14.08.2018 on the ground that between 21st May, 2018 and 4th June, 2018, the petitioner had been granted furlough. The concept of

furlough and parole are different and the two cannot be merged. He had earned his furloughs; whereas in the latter case, the petitioner seeks release from the jail for the reasons mentioned in the application. 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 the petitioner is a life convict and has undergone incarceration for 5 years 7 months and 9 days as of 30.08.2018 and has earned a remission of 1 year 2 months and 27 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.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 Gokul Puri, 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.

NOVEMBER 15, 2018

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