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

+ **W.P.(CRL) 2868/2018 & CrI. M.A. No.32709/2018**

ABHIMANYU @ SHYAM Petitioner
Through: Mr. Madhav Khurana and Ms. Trisha Mittal,
Advocates.

Versus

STATE Respondent
Through: Ms. Jyoti Babbar for Mr. Rajesh Mahajan,
Additional Standing Counsel with SI Pawan
Kumar, P.S. Narela.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **24.09.2018**

The petitioner seeks parole. The application was rejected on the ground that he had enjoyed furlough of 13 days in the month of April-May, 2018. The reason for rejection betrays lack of 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 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 and society and combat inner stress. 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 12 years 8 months and 12 days as of 04.09.2018 and has earned a remission of 2 years 2 months and 8 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 cash surety of the like amount, as was directed earlier by order dated 10.11.2017, 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 Narela Industrial Area, 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

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