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

+ **W.P.(CRL) 2912/2018**

REHAN @ GANDHI

..... Petitioner

Through: Mr. Sharad Malhotra, Advocate (DHCLSC).

Versus

STATE

..... Respondent

Through: Mr. Ranbir Singh Kundu, Additional
Standing Counsel with Ms. Suman Saharam
and S.I. Ompal and SI Om Prakash, P.S.
Khajuri Khas.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **26.09.2018**

The petitioner seeks parole. The application was rejected on the ground that he had recently been released on furlough for two weeks in the month of August, 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 attend to his ailing mother, who is 71 years old and to re-establish social ties with his family and society. Therefore, the rejection of the application is unsustainable.

The Nominal Roll of the petitioner shows that he has undergone incarceration for 12 years 4 months and 14 days as of 13.09.2018 and has

earned a remission of 2 years 5 months and 2 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.

According to the learned counsel for the petitioner, the petitioner's address in Delhi is the same as at the time, when he was granted furlough. In the circumstances, a case is made out for grant of parole to the petitioner

In view of the above, the application is allowed. The petitioner shall be released on parole for a period of 10 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 Khajuri Khas, 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.

SEPTEMBER 26, 2018

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