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

+ **W.P.(CRL) 2266/2017**

BHAJAN SINGH

..... Petitioner

Represented by: Ms.Inderjeet Sidhu, Advocate

versus

STATE

..... Respondent

Represented by: Ms.Nandita Rao, ASC with SI Vijay
Kumar, PS Prashant Vihar

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

23.04.2018

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1. Petitioner is aggrieved by the condition imposed in the communication dated 19th April, 2017 whereby grant of parole for a period of four weeks was subject to the condition that he shall be released only after the surrender of the other co-accused who is on parole. As per the nominal roll, Joginder co-convict in FIR No.621/2004 under Sections 364-A/364/302/201/120B/34 IPC was granted furlough who jumped the same and has not surrendered. Thus, the petitioner cannot avail the benefit of parole granted to him. As per the nominal roll, the petitioner was granted parole for a period of three weeks by this Court with effect from 14th March, 2016 and furlough twice in the year 2017 by the Competent Authority when he surrendered in time and did not misuse the concession of parole/furlough.

2. Considering the fact that the petitioner cannot be penalized for the

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misconduct of the co-convict who has jumped the furlough when petitioner himself has not misconducted in the past, this Court deems it fit to modify the order dated 19th April, 2017 passed by the Deputy Secretary (Home) directing release of the petitioner for a period of four weeks subject to the conditions mentioned in the order. Thus, condition No.7 of the order stands deleted. Rest of the conditions would remain the same.

3. Petition is disposed of.

4. Copy of this order be communicated to the petitioner through Superintendent, Central Jail No.14, Mandoli, Delhi.

MUKTA GUPTA, J.

APRIL 23, 2018

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