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

+ **W.P.(CRL) 3308/2017**

VIJAY @ RAJESH

..... Petitioner

Through : Ms.Neha Kapoor, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through : Mr.Jamal Akhtar, proxy counsel for Mr.Rahul Mehra, Standing Counsel.

SI Shiv Parkash, PS Anand Parbat.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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26.02.2018

1. Present writ petition under Article 226/227 of the Constitution of India read with Section 482 Cr.P.C. has been filed by the petitioner seeking furlough in case FIR No.62/2002 registered under Sections 302/392/394/397/34 and Sections 25/27/54/59 Arms Act at Police Station Anand Parbat. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. Nominal Roll dated 26.11.2017 reveals that the petitioner was convicted for the aforesaid offences and was sentenced to undergo RI for life with fine ₹15,000/-. CrI.A.149/2013 was dismissed by this Court on 18.12.2015. It further reveals that the petitioner was granted furlough w.e.f. 11.08.2016 to 25.08.2016 by the concerned authority. However, during furlough allegedly the petitioner indulged in commission of offences punishable under

Sections 307/353/186 IPC and an FIR No.594/2016 was registered at Police Station Begum Pur on 21.08.2016. He was re-arrested in the said FIR during furlough period.

3. It is relevant to note that the petitioner was granted parole only on 20.07.2017 for a period of four weeks from the date of his release on his furnishing personal bond in the sum of ₹10,000/- with one surety in the like amount. Soon after availing parole before the Court, the petitioner filed a representation to the competent authority to seek furlough.

4. Since the petitioner had allegedly committed offence during furlough and the sufficient time had not elapsed on filing the representation after grant of parole, the authority committed no error to decline to grant furlough.

5. This Court finds no sufficient ground to entertain the present petition and to grant furlough as prayed for. The writ petition is dismissed.

S.P.GARG, J

FEBRUARY 26, 2018 / tr