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

+ W.P.(CRL) 3105/2019

MD. MAJID

..... Petitioner

Through: Mr Archit Upadhyay, Advocate.
versus

STATE

..... Respondent

Through: Mr Avi Singh, ASC for State with Ms
Purnima Malik.
Inspector Rajeev Yadav, PS
Bindapur.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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20.11.2019

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 20.09.2019 filed by the respondent whereby the petitioner's application for grant of parole was rejected.
2. A plain reading of the impugned order indicates that the petitioner's application was rejected in view of Sub-rule (II) and Sub-rule (IV) of Rule 1210 of the Delhi Prison Rules, 2018. The petitioner had surrendered late on two occasions. He was granted furlough for a period of two weeks with effect from 13.09.2018 to 27.09.2018, but he had surrendered on 29.09.2018, that is, one day late. It is stated that he was granted parole again for a period of two weeks from 05.12.2018 to 19.12.2018, but he had surrendered on 21.12.2018.
3. On the first instance, the petitioner had been warned and on the second instance, he had been punished by stoppage of *mulakat* and phone

facilities. In terms of Sub-rule (II) of Rule 1210 of the Delhi Prisons Rules, 2018, parole / furlough cannot be granted unless the conduct of the petitioner is good throughout a period of one year from the date of his application for parole (for minor punishments). Further, in terms of Sub-rule (IV) of Rule 1210 of the Delhi Prison Rules, 2018, a convict should not have violated any terms and conditions of the parole.

4. Admittedly, the act of the petitioner surrendering one day late had resulted in a minor punction, therefore, the petitioner would be entitled for furlough/parole after an expiry of one year from the date of the last punishment, that is, from 20.12.2019.

5. In the aforesaid view, the present petition is disposed of by permitting the petitioner to apply afresh after 20.12.2019. Needless to state that the same would be considered by the competent authority in accordance with law.

6. The petition is dismissed with the aforesaid observation.

VIBHU BAKHRU, J

NOVEMBER 20, 2019
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