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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 1072/2019
PRAKASH Petitioner
Through: Mr. Nitesh Gupta, Advocate.

versus

STATE OF NCT OF DELHI Respondent
Through: Mr. Rajesh Mahajan, ASC for the State with
SI Laxman Choudhary, PS-Hauz Khas.

CORAM:
HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **12.04.2019**

Crl. M. A. No. 7907/2019 (Exemption)

Exemption allowed, subject to just exception.

Application stands disposed of.

W.P.(CRL) 1072/2019

By the present petition filed under Article 226/227 of the Constitution of India read with Section 482 of Code of Criminal Procedure, the petitioner seeks parole in terms of order dated 25.03.2019 passed by the Dy. Secretary (Home), GNCTD.

Learned counsel for the petitioner submits that vide order dated 28.01.2019, petitioner was granted furlough for a period of two weeks. Subsequently, the petitioner was released on furlough on 05.03.2019 and duly surrendered on 20.03.2019 before the jail authorities. Thereafter, vide order dated 25.03.2019, the Competent Authority granted parole to the petitioner for two weeks, but he was not released by the respondent for the reason that one month gap had not elapsed from the date of surrender as

envisaged in Rule 1212 of Delhi Prison Rules, 2018.

Heard.

The relevant provision of Delhi Prison Rules 2018, reads as under:

“Rule 1212 : A convict would be released on parole for a period of maximum eight weeks in minimum two spells in a conviction year. However, the period of release in one spell should not be more than four weeks. There should be one month gap between parole and last furlough availed and vice-versa.”

Undoubtedly, Rule 1212 of Delhi Prison Rules 2018 provides that the prisoner may be entitled for release on furlough/ parole only after one month gap between the last surrender and subsequent release on parole/ furlough availed, however, if in a given case there is some exigency, the petitioner cannot be denied release on parole/furlough immediately after availing the earlier parole/ furlough.

The wife of the petitioner is stated to have given birth to a child on 28.03.2019 and the petitioner is required to take care of his wife and newly born child, I am of the considered view that it is a fit case to grant parole to the petitioner in the given circumstances even prior to gap of one month having been completed.

Accordingly, the Superintendent, Tihar, New Delhi is directed to release the petitioner on parole for two weeks on the same terms and conditions contained in the order dated 25.03.2019 of the Competent Authority.

Petition stands disposed of.

A copy of this order be communicated to the Jail Superintendant concerned.

Copy of this order be given *dasti* under the signatures of Court Master, as prayed.

SANGITA DHINGRA SEHGAL, J

APRIL 12, 2019
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