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

+ W.P.(CRL) 1895/2019

KANTA PRASAD

..... Petitioner

Through: Mr Sunil Kumar, Advocate.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr Rahul Mehra, ASC with Ms
Chaitanya Gosain and Mr Amanpreet
Singh, Advocates for State.
ASI Deepak, PS Kamla Market.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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27.08.2019

1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued for releasing the petitioner for the first spell of furlough, which was granted to him by an order dated 21.02.2019 by the office of the DG, Prisons.
2. The status report has been filed, which confirms that the petitioner was granted three weeks furlough by the order dated 21.02.2019. However, the petitioner could not be released on account of an advisory issued by the Election Commission on account of the Model Code of Conduct coming into force in the wake of the general elections.
3. In normal circumstances, there ought not to have been any impediment in releasing the petitioner on furlough after the general elections. However, it is pointed out that on 13.05.2019, a punishment had

been imposed on the petitioner on account of him fighting with an inmate. And, in terms of the Delhi Prison Rules, 2018, a convict is required to have 3 Annual Good Conduct Reports for being released on furlough.

4. The learned counsel appearing for the petitioner states that it is essential for the petitioner to be released to obtain his pensionary benefits from the Delhi Jal Board. He has also drawn the attention of this Court to an order dated 02.03.2019, whereby the petitioner has been called to the Delhi Jal Board Headquarters, for seeking the benefit of the CRS Pension Scheme.

5. The incident of a fight with the inmate appears to be a minor incident as the petitioner was punished by depriving him of *mulaquat* for a period of one week.

6. In the given facts and circumstances, this Court is of the view that the benefit of furlough granted to the petitioner ought not to be withdrawn on account of a minor incident that had occurred, thereafter. In this view, the present petition is allowed. The respondents are directed to release the petitioner on furlough for a period of three weeks on the same terms and conditions as specified in the order dated 21.02.2019.

7. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

AUGUST 27, 2019
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