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

+ W.P.(CRL) 2007/2019

GAYA PRASAD PAL @ MUKESH Petitioner
Through: Mr Anuj Kapoor, Advocate.

versus

STATE Respondent
Through: Mr Ranbir Singh Kundu, ASC
(Criminal) for State with Mr Shivam
Saharan, Mr Hitesh Vali, Mr Pawan
Kumar and Ms Suman Saharan,
Advocates.
SI Amit Kumar, PS Vasant Kunj.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
12.12.2019

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1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 21.06.2019, whereby the competent authority had rejected the petitioner's application for furlough.
2. A plain reading of the impugned order indicates that the petitioner's application for furlough had been rejected in view of Rule 1225 of the Delhi Prison Rules, 2018, which requires DIG Prisons to make a specific recommendation for the grant of furlough. The impugned order records that DGI Prisons had not recommended the case of the petitioner on the ground that the prosecutrix had objected in case the petitioner went home at the Delhi address on furlough. The police had also expressed an apprehension that the petitioner may repeat the offence, if furlough is granted.

3. It is seen that the petitioner has been released on parole, pursuant to an order dated 09.11.2017 passed by this Court in W.P.(CrI.) 1912/2017. The said order clearly records that the prosecutrix is now married and stays separately.

4. The petitioner also states that on release on furlough, he would not stay with his wife, but with his mother. The residential address of the petitioner's mother has been verified.

5. In this view, the objection of the prosecutrix (who is also the step daughter of the petitioner) relating to the petitioner going to his home, has been addressed.

6. The nominal roll has been filed which indicates that the petitioner's conduct in jail has been satisfactory. The petitioner was also released on parole from 08.03.2018 to 05.04.2018, and there is no allegation that he has misused this liberty.

7. In view of the above, the present petition is allowed and the respondent is directed to release the petitioner on furlough for a period of three weeks from the date of the release, subject to the petitioner furnishing a personal bond in the sum of ₹10,000/-, with one surety of an equivalent amount to the satisfaction of the concerned Jail Superintendent.

8. The petitioner shall also abide by the following conditions:

- (a) The petitioner shall surrender before the Jail Authorities on or before the expiry of the period of furlough.
- (b) He shall not engage himself in any unlawful activity.
- (c) The petitioner shall proceed directly to the village, where his

mother resides, and stay there until his return back to Delhi.

- (d) The petitioner shall not try to contact the prosecutrix either directly or indirectly.
- (e) The petitioner shall also provide his mobile number and ensure that he is reachable at all times.

9. A copy of this order be communicated to the petitioner through the Jail Superintendent.

DECEMBER 12, 2019
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VIBHU BAKHRU, J