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

+ **W.P.(CRL) 2830/2018**

NARENDER @ NANDA

..... Petitioner

Represented by: Mr. Anwesh Madhukar, Adv.
DHCLSC.

versus

STATE

..... Respondent

Represented by: Ms. Kamna Vohra, ASC with SI
Omveer Singh PS Nand Nagri.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

08.01.2019

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By this petition the petitioner seeks first spell of furlough for a period of three weeks and also challenges the communication dated 21st August, 2018 whereby his application for grant of first spell of furlough was rejected vide the communication dated 21st August, 2018. Nominal roll of the petitioner reveals that the petitioner was being granted regular parole and furloughs till June 2015 followed by last furlough on 12th November, 2015. However the petitioner though required to surrender on 27th November, 2015, did not surrender, jumped the furlough and surrendered only after 2 months and 28 days. In view of this conduct of the petitioner noted in the nominal roll this Court finds no error in the impugned order declining furlough and also finds no ground to grant furlough to the petitioner which is a reward of good conduct.

W.P.(CRL) 2830/2018

page 1 of 3

Learned Additional Standing Counsel for the State has not placed on record any Policy before this Court to show that after a period of time having elapsed from the misconduct, a prisoner can be re-considered for furlough.

From the nominal roll it is also evident that after the petitioner jumped the furlough, petitioner was granted parole for a period of two weeks by the GNCTD with effect from 29th January, 2018 to 12th February, 2018 when there is no allegation that the petitioner misconducted himself.

In the present petition the ground for furlough taken was to find a suitable match for his daughter.

A status report has been handed-over which is taken on record. As per the status report in the meantime a suitable match has been found for the petitioner's daughter and her marriage is now fixed for 29th January, 2019.

In view of the fact that the marriage of the petitioner's daughter is fixed for 29th January, 2019 and when the last parole was granted to the petitioner w.e.f. 29th January, 2018 he did not misuse the said concession, this Court deems it fit to grant parole to the petitioner. It is therefore directed that the petitioner be released on parole for a period of four weeks on his furnishing a personal bond in the sum of ₹25,000/- with one surety bond of the like amount to the satisfaction of the learned Trial Court.

Petition is disposed of.

Copy of this order be communicated to the petitioner through Superintendent Tihar Jail forthwith.

MUKTA GUPTA, J.

JANUARY 08, 2019
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