

\$~25

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

+ **W.P.(CRL) 2990/2019**

RANA PRATAP SINGH

..... Petitioner

Through: Mr Puneet Garg and Mr Anas Ali,
Advocates.

versus

STATE AND ANR.

..... Respondent

Through: Ms Shiva Lakshmi, CGSC.
SI Devender, PS Chhawla.
Mr Jamal Akhtar and Mr Divyank
Tyagi, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

09.01.2020

1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to respondent to release the petitioner on second spell of furlough for a period of two weeks.
2. The petitioner had filed a writ petition (***W.P.(CRL.) 2048/2019 captioned Rana Pratap Singh v. State and Anr.***), *inter alia*, seeking similar prayers. The said petition was disposed of by an order dated 20.09.2019, directing the competent authority to decide the petitioner's application as expeditiously as possible and preferably, within a period of four weeks from that date.
3. Ms Shiva Lakshmi, learned counsel appearing for respondent no.2 (BSF) has handed over a letter dated 08.11.2019 rejecting the petitioner's application for grant of furlough. Although the said order is dated 08.11.2019, the same was not communicated to the petitioner. It has been

handed over in Court.

4. A plain reading of the said order indicates that the petitioner's request for furlough has been rejected on the ground that it does not seem genuine and *"that the convict is not a habitual offender but in the event of his release, he may jump the furlough"*.

5. It is seen from the nominal roll that the petitioner had been released on furlough on five previous occasions. He was released for the first time on furlough on 22.08.2015 and on the fifth occasion on 05.04.2019. In addition, the petitioner was released on parole on four separate occasions. There is no allegation that the petitioner had misused his liberty.

6. Ms Shiva Lakshmi, learned counsel appearing for BSF states that the order dated 08.11.2019 is passed on the police report dated 18.10.2019. A copy of the same has also been handed over to this Court. It is clear that the order dated 08.11.2019 is not only based on the police report but also a verbatim copy of the reasons stated therein. The competent authority has merely copied the grounds stated in the police report without application of mind, and without considering that the petitioner had been released on nine separate occasions on parole and furlough and there is no allegation of his misusing of the same.

7. Ms Shiva Lakshmi further submits that furlough has been denied to the petitioner in view of Rule 1223 of the Delhi Prison Rules, 2018, which requires a convict to earn three annual good conduct reports. She submits that the petitioner was punished on 28.08.2016 and therefore, this condition has not been complied with. This contention is also bereft of any merit. First

of all, no such ground has been stated in the order dated 8.11.2019. Secondly, the last punishment imposed on the petitioner was on 28.08.2016. More than three years has elapsed since imposition of that punishment dated 28.08.2016 and the nominal roll indicates that the petitioner's conduct in jail has been satisfactory except two punishments – one imposed on 13.05.2014 and the second on 28.08.2016.

8. In view of the above, this Court directs that the petitioner be released on furlough for a period of two weeks on his furnishing a personal bond in the sum of ₹10,000/-, with one surety of an equivalent amount to the satisfaction of the Jail Superintendent. The petitioner shall provide his contact details and ensure that he is reachable at all times.

9. The petition is disposed of with the aforesaid directions.

10. Order *dasti* under signature of the Court Master.

JANUARY 09, 2020
RK

VIBHU BAKHRU, J