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

+ **W.P.(CRL) 3170/2019**

VIJAY SINGH PHOGAT

..... Petitioner

Through: Ms Neha Kapoor with Mr Mohit
Bhadu, Advocates.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr Sanjay Lao, ASC for State and Mr
Karanjeet Sharma, Advocate with Mr
SI Harkesh, PS Tilak Marg.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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13.03.2020

1. The petitioner has filed the present petition, *inter alia*, praying that he be released on the first spell of furlough for a period of three weeks in FIR No.183/2019 under Section 364A of the IPC read with Sections 120B and 34 of the IPC and Section 25 of the Arms Act, 1959 registered with PS Tilak Marg.
2. The petitioner was convicted of the offence under Section 364A read with Section 120B of the IPC and Section 25 of the Arms Act, 1959 and by an order dated 04.10.2016, he was sentenced to life imprisonment. As on 20.02.2020, the petitioner has already served a period of six years, six months and one day of his sentence and during the said period, he has also earned remission of ten months and fifteen days.
3. The petitioner's application for furlough has been rejected, as the

petitioner had been punished on 20.08.2019 and his *mulaqat* was stopped for one month.

4. In terms of Rule 1223 (I) of the Delhi Prison Rules, 2018 a prisoner must secure good conduct rewards in the last three Annual Good Conduct reports. The petitioner does not qualify the said criteria in view of the punishment imposed on him on 20.08.2019 and therefore, the petitioner's prayer that he be released on furlough cannot be granted.

5. The learned counsel appearing for the petitioner submits that the punishment dated 20.09.2019 has been unfairly imposed on the petitioner and the petitioner was not heard. She seeks to reserve the right to challenge the same in appropriate proceedings.

6. Since the relief as sought for by the petitioner in the present petition cannot be granted, the same is dismissed. However, it is clarified that all rights and contentions of the petitioner to challenge the punishment imposed on him are reserved.

VIBHU BAKHRU, J

MARCH 13, 2020
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