

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

Order Reserved on : 19.11.2019

Order Pronounced on: 13.01.2020

+ **W.P.(CRL) 853/2019**

SALIM HUSSAIN (IN JC)

..... Petitioner

Through Mr. Akshay Bhandari,
Advocate

Versus

STATE (GOVT. OF NCT OF DELHI) Respondent

Through Mr. Ranbir Singh Kundu,
ASC (Criminal) with Mr.
Shivam Sahoran, Mr. Hitesh
Vali, Ms. Suman Saharon and
Mr. Pawan Kumar, Advs.
with SI Rahul, P.S.: Hari
Nagar

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

ORDER

BRIJESH SETHI, J.

The instant petition under Article 226 of the Constitution of India read with Section 482 of Code of Criminal Procedure, 1973 (Cr. P.C) has been filed against the impugned order dated 19.02.2019 vide which the request of the petitioner for grant of furlough was rejected on the ground that the petitioner has not maintained good conduct in prison for the last 3 years in view of the punishment dated 16.04.2017 and the warning as he had surrendered

late on 25.12.2018 (instead of 5 PM, he had surrender at 10.10 PM) after availing furlough as his train was late.

The order dated 16.04.2017 passed by the Dy. Superintendent, Central Jail, Tihar, Delhi vide which the punishment was inflicted has been set aside vide detailed order of even date in connected case bearing no. WP (Crl.) 239/2019.

So far as warning given to the petitioner for late surrender is concerned, this Court is of the opinion that petitioner has satisfactorily explained his delay of 5 hours and 10 minutes in surrendering as his train had got late. Thus, his late surrender by few hours was neither deliberate nor intentional but was due to circumstances beyond his control.

Heard. In view of the above discussion and finding of this Court in WP (Crl.) 239/2019, the impugned order dated 19.02.2019 vide which the request of the petitioner for grant of furlough was rejected is set aside, in the interest of justice.

The petition stands disposed of accordingly.

BRIJESH SETHI, J

JANUARY 13, 2020.
(AP)