

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

% Judgment delivered on: 04.06.2020

+ W.P. (CRL.) 796/2020

SUDHIR Petitioner

versus

STATERespondent

Advocates who appeared in this case:

For the Petitioners: Mr. Akshay Bhandari, Advocate

For the Respondents: Mr. Piyush Kumar, Addl. PP for the State

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J.

1. The hearing was conducted through video conferencing.
2. petitioner impugns order dated 30.10.2019 whereby his application for release on furlough for a period of 3 weeks got rejected, in the alternative, Petitioner seeks release on emergency parole for a period of 3 weeks.
3. The petitioner has been convicted for an offence under Section 302 IPC and sentenced to undergo life imprisonment. Petitioner has already undergone 12 years 8 months and 17 days of incarceration as on 09.05.2020 and earned remission of two years 11 months and 23 days.

4. Learned Addl. PP appearing for the State under instructions submits that the application for grant of furlough was declined because petitioner had earlier jumped parole twice and was subsequently arrested.

5. Learned counsel for the petitioner points out that as per the record, petitioner had himself surrendered and it was a case of late surrender and not a case where the petitioner was re-arrested. He submits that petitioner had valid reasons for not surrendering on time because there was threat to his wife by her family.

6. Learned counsel further submits that petitioner had initially jumped bail in the year 2011 and was re-arrested and thereafter was granted parole by this High Court with effect from 07.03.2014 and 24.12.2014 and thereafter on 24.02.2016. He submits that he had always surrendered on his own and on time and it is only in the year 2016 that he had surrendered late because of the threat to his wife.

7. Learned counsel relies on a judgment of coordinate bench of this Court in *Naresh Vs. State dated 09.05.2016 in W.P. (Crl.) 926/2015* to contend that where a convict had surrendered late on expiry of the parole granted to him voluntarily, he was not disentitled from grant of parole.

8. Keeping in view of the facts and circumstances of the case and also the fact that the petitioner had already undergone over 15 years of incarceration (including remissions) and has earned certificate of good

conduct in 2017 and 2019, I am of the view that petitioner is entitled to grant of parole for a period of 3 weeks from the date of his release.

9. Accordingly, petitioner is granted parole of three weeks subject to petitioner furnishing a personal bond in the sum of Rs. 15,000/- with two sureties of the like amount to the satisfaction of concerned Jail Superintendent, with the condition that at least one surety should be by one of his family members.

10. Further, :-

- (i) Petitioner shall not leave the National Capital Region without prior intimation to the SHO of the concerned Police Station; and
- (ii) Petitioner shall provide his and the sureties mobile number to the Investigating Officer which they shall keep active during this period; and
- (iii) Petitioner shall also report to the SHO, Police Station Loni, Ghaziabad, Uttar Pradesh on every Monday. In case, SHO Police Station Loni is not available, he shall mark his presence before the duty officer at Police Station Loni, Ghaziabad; and
- (iv) Petitioner shall surrender to the concerned Superintendent Jail on the expiry of the period of three weeks of his release.

11. Petition is disposed of in the above terms.
12. Copy of the order be forwarded to the SHO, Police Station Loni, Ghaziabad, Uttar Pradesh for necessary action.
13. Copy of the Order be uploaded on the High Court website and be also forwarded to learned counsel for the Parties through email.

JUNE 04, 2020
'rs'

SANJEEV SACHDEVA, J