

via Video-conferencing

\$~6

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(CRL.) No.859/2020

ALAM @ MAMOON

..... Petitioner

Through: Mr. Dhan Mohan, Advocate.

Versus

THE STATE (GOVT OF NCT, DELHI)

..... Respondent

Through: Ms. Richa Kapoor, ASC for the State.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

%

02.06.2020

Crl. M.A. No.7060/2020 (exemption)

Exemption allowed, subject to just exceptions.

Application stands disposed of.

W.P. (Crl.) No.859/2020

The petitioner, who has been convicted and sentenced to life imprisonment in the case arising from FIR No.346/2000 registered under sections 396/397 IPC at PS: Punjabi Bagh, Delhi, seeks extension of the period of furlough granted to him *vidé* order dated 08.05.2020 passed by a Co-ordinate Bench of this court in W.P. (Crl.) No. 3468/2019 for a period of three weeks.

2. Mr. Dhan Mohan, learned counsel for the petitioner states that by order dated 08.05.2020 this court had granted furlough, while

keeping the contested issue of the petitioner's nationality open. In order dated 08.05.2020, the court had observed as under:-

“5. In view of the above, the present petition is allowed and the petitioner is directed to be released on first spell of three weeks of furlough for the year 2020. This would be subject to the petitioner furnishing a Personal Bond in the sum of Rs.5,000/-. In addition, the petitioner shall also abide by the following conditions:-

x x x x x ”

3. Mr. Mohan urges that the period of furlough expires tomorrow i.e. 03.06.2020; and considering the prevailing pandemic, the petitioner may be granted parole *inter-alia* for the reason that the petitioner's family desperately requires his presence outside prison.

4. The petitioner has placed reliance on the Minutes of Meetings of the High Powered Committee constituted by the Delhi High Court to address the need for decongesting prisons in view of the prevailing pandemic ; and also on Order dated 22.05.2020 issued by the Home Department of the Government of NCT of Delhi.

5. Ms. Richa Kapoor, learned ASC appearing for the State submits that since furlough was granted by an order of this court, the Government Order has no bearing or relevance in the matter. However, Ms. Kapoor states that since the question of the petitioner's nationality has been left open, the State would have no objection if instead of furlough, the petitioner is granted parole for a period of 04 weeks.

6. In view of the above, considering the overall circumstances of the case, the petitioner is granted parole for a period of 4 weeks commencing 03.06.2020, subject to the following conditions:

- a. The personal bond in the sum of Rs.5000/- already furnished by the petitioner in compliance of order dated 08.05.2020, shall stand applied and extended for purposes of the parole granted by this order ;
- b. The petitioner shall not leave the National Capital Region without permission of the court and shall *ordinarily* reside in his place of residence as per prison records;
- c. The petitioner shall make a video-call every Friday between 11 am and 11:30 am to the SHO PS : Punjabi Bagh and also ‘drop-a-pin’ on Google Maps, so that the SHO can verify the petitioner’s presence and location. Counsel for the petitioner has confirmed that the petitioner has the wherewithal to comply with this condition;
- d. The petitioner shall furnish to the SHO a cellphone number on which the petitioner may be contacted and shall ensure that the number is kept active and switched-on at all times ;
- e. If the petitioner has a passport, he shall also surrender the same to the Jail Superintendent upon revocation/easing of the prevailing lockdown;
- f. The petitioner shall not engage in any unlawful activity;
- g. Upon expiry of the period of parole, the petitioner shall surrender before the concerned Jail Superintendent.

7. The petition stands disposed of in the above terms.
8. A copy of this order be sent to the Jail Superintendent.

ANUP JAIRAM BHAMBHANI, J

JUNE 02, 2020
Ne