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

+ **W.P.(CRL) 992/2020**

FURKHAN@JAVED

..... Petitioner

Through: Mr Puneet Garg, Advocate.

versus

STATE

..... Respondent

Through: Ms Jyoti Babbar, Advocate for Mr
Rajesh Mahajan, ASC for State.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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20.07.2020

[Hearing held through video conferencing]

1. The petitioner has filed the present petition, *inter alia*, praying that he be released on parole for a period of three months.
2. The petitioner was sentenced to life imprisonment with a fine of ₹2,000/- in connection with FIR No.108/1996, under Sections 302/307/392/394/34 of the IPC, registered with PS Darya Ganj.
3. The nominal roll indicates that as on 17.07.2020, the petitioner had undergone actual custody of twenty years, eight months and seventeen days. During this period, he had also earned remission of two years, nine months and nineteen days.
4. The petitioner was also convicted in three other cases and has completed his sentence in those cases.
5. The petitioner is involved in another case (FIR No.226/2008) under

the Gangster Act registered with PS Sardhana, Meerut, and he is currently on bail.

6. Ms Babbar, learned counsel appearing for the State, referred to the status report and submitted that the petitioner's conduct in the jail has not been satisfactory. She further states that the petitioner was released on parole with effect from 24.09.2009, but he jumped parole and was rearrested on 21.09.2010; that is, after almost one year. She states that even prior to that incident, he had escaped from police custody on 13.03.1997 and was re-arrested on 12.11.1999. In addition, he had filed a petition (W.P.(Crl.) 575/2019) seeking parole. However, that was dismissed by an order dated 27.03.2019 as it was found that forged medical documents of his wife were filed for seeking said relief.

7. Although, the petitioner has been punished on five occasions, it is seen that the said punishments were minor punishments and the last such punishment was imposed on 04.05.2017. The petitioner's conduct in the jail has been satisfactory for the past three years. It is also relevant to state that one of the co-accused has been released on his sentence being commuted. Although, the petitioner had jumped the parole in the year 2009, considerable period of time has since elapsed. More importantly, the petitioner has served a prison sentence of over twenty-three years and six months. He was last released from prison on 24.09.2009 and has not been released on furlough or parole after his re-arrest on 21.09.2010 (which is almost one decade ago).

8. Considering the above, this Court is of the view that the petitioner ought to be released on parole for a period of four weeks from the date of his release subject to the petitioner furnishing a Personal Bond in the sum of

₹10,000/- with one surety of an equivalent amount to the satisfaction of the Jail Superintendent/Duty Magistrate. It is so directed. This is also subject to the following further conditions:-

- a) the petitioner shall not leave the National Capital Territory of Delhi;
- b) the petitioner shall mark his presence before the concerned police station (PS Okhla) on Monday of each calendar week;
- c) the petitioner shall provide his contact number and ensure that he is reachable on it at all times.

9. The petition is allowed in the aforesaid terms.

10. A copy of this order be communicated to the jail authorities electronically.

VIBHU BAKHRU, J

JULY 20, 2020
MK