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

+ **W.P.(CRL) 2163/2023**

MANMOHAN SINGH @ MONU Petitioner

Through: **Mr. Siddharth Yadav, Adv.**

versus

STATE (NCT OF DELHI) Respondent

Through: **Mr. Sanjeev Bhandari, ASC with Mr. Kunal Mittal and Mr. Saurabh Tanwar, Adv. with SI Deepak, PS Tilak Nagar.**

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Date of Decision: 01.08.2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 20163/2023

Exemption allowed subject to just exceptions.

Application stands disposed of.

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1. The present petition has been filed for grant of second spell of furlough for two weeks and/or grant of parole for a period of 30 days in case FIR No. 136/2008 under Sections 376(2)(G)/328/34 IPC registered at PS Tilak Nagar.

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2. Learned counsel for the petitioner submits that the furlough was granted on 23.06.2023 and as per the order, the petitioner is required to surrender on 01.08.2023 i.e., today. It has further been submitted that the petitioner while on the furlough underwent proper medical treatment and needs to undergo surgery which is scheduled for 05.08.2023 at Deen Dayal Upadhyay, Hospital.
3. Learned counsel submits that the petitioner also moved an application on 27.07.2023 for grant of second spell of furlough for a period of two weeks and/or in the alternative grant of parole for 30 days.
4. On advance notice, Sh. Sanjeev Bhandari, learned ASC has appeared.
5. Learned ASC has submitted that such practice of filing a writ petition before this court for grant of furlough is increasing and that the petitioner instead of approaching the competent authorities in time, files the writ petition in the nick of time.
6. This court deprecates this practice of filing the writ petition for grant of parole instead of moving to the competent authorities.
7. Furlough was granted on 01.08.2023 and the petitioner moved an application for extension only on 27.07.2023 and thereafter, filed the petition before this court on the last leg of the furlough.
8. I do not find any substance in the petition, hence the same is disposed of. However since the date of surgery is fixed for 05.08.2023, Superintendent Jail shall ensure that the petitioner is taken to the hospital and the surgery is conducted as per medical advice.



9. The petition stands disposed of.
10. In the meanwhile, the application dated 27.07.2023 be also decided within 3 days by the competent authority.

DINESH KUMAR SHARMA, J

AUGUST 1, 2023/AR