



\$~8

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 77/2024**
GYANI Petitioner

Through: Mr.Arjun Malik, Adv.

versus

STATE OF NCT OF DELHI Respondent
Through: Mr.Amol Sinha, ASC (Crl.)
with Mr.Kshitiz Garg,
Ms.Chavi Lazarus and
Mr.Arjun Singh Kadian, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
19.02.2024

%

1. This petition has been filed by the petitioner under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short, 'CrPC') challenging the Order dated 27.09.2023 passed by the Director General of Prisons (Prison Headquarters, Tihar) (in short, 'DG'), rejecting the application filed by the petitioner for grant of furlough.
2. The impugned order rejects the application of the petitioner seeking furlough on the basis of the nature of crime committed by the petitioner and also the unverified residential address of the petitioner.
3. This petition was listed before this Court on 05.02.2024. The learned counsel for the petitioner had submitted that earlier the petitioner had been granted parole in W.P.(CRL) 290/2023, titled as *Gyani v. State of NCT of Delhi*. Based on the above submission, the



respondent was directed to verify the address on the basis of which parole was granted to the petitioner. Nominal roll was also called for.

4. The Nominal Roll has been filed on record and it shows that the petitioner has already undergone sentence for a period of 4 years 11 months and 1 day, as on 09.02.2024. It also confirms that he had been granted parole for a period of four weeks between 22.08.2023 and 20.09.2023.

5. The learned Additional Standing Counsel points out that the address given in the present petition is one at Mathura. He submits that, in the writ petition filed by the petitioner seeking parole, the petitioner had given the same address. When verification thereof was conducted, though the address was confirmed, it was also reported that the victim still feels threatened by the presence of the petitioner. Based on the said objection, the petitioner gave a fresh address of his Paternal Uncle/Chacha at House No.46D, Gali No.26, Molar Band Extension, Badarpur, South-Delhi – 110044. The said address was also verified. It is based on the above that eventually this Court, by its order dated 05.07.2023, granted parole to the petitioner *inter alia* on the condition that the petitioner shall not enter Mathura or Faridabad during the period of his release.

6. At this stage, the learned counsel for the petitioner submits that the petitioner will reside at the same address at Badarpur, that is, the one mentioned hereinabove, and shall not visit Mathura or Faridabad while being released on Furlough.

7. In view of the above, the Order dated 27.09.2023 passed by the Director General of Prisons (Prison Headquarters, Tihar), is set aside.



The petitioner is granted Furlough for a period of three weeks from the date of his release subject to the following conditions:

- (i) petitioner shall furnish a personal bond in the sum of Rs. 10,000/- with one surety in the like amount from the brother-in law at whose place the petitioner states he will be residing while on furlough, to the satisfaction of the Jail Superintendent;
- (ii) petitioner shall not leave the State of NCT of Delhi without permission of the court and shall ordinarily reside at the aforementioned address;
- (iii) petitioner shall report to the Station House Officer (S.H.O.), Police Station: Badarpur every Tuesday and Friday, between 11 a.m. and 11:30 a.m., to mark his presence. However, he will not be kept waiting for longer than an hour for this purpose;
- (iv) petitioner shall furnish to the S.H.O., Police Station: Badarpur a cell-phone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
- (v) if the petitioner has a passport, he shall surrender the same to the Jail Superintendent;
- (vi) petitioner shall not indulge in any act or omission that is unlawful or that would prejudice the proceedings in any case(s) pending against him;
- (vii) upon expiry of the period of furlough, the petitioner shall surrender before the Jail Superintendent.
- (viii) petitioner shall not enter Mathura or Faridabad during the period of his release on furlough. If any such infraction is



found, the furlough so granted would be liable to be revoked.

8. Copy of this order be sent to the Jail Superintendent for information and necessary compliance.
9. The petition is disposed of in terms of the above.

NAVIN CHAWLA, J

FEBRUARY 19, 2024/ns/RN/ss

Click here to check corrigendum, if any