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

+ **W.P.(CRL) 211/2024**

RANJEET KUMAR

..... Petitioner

Through: Mr. Kushdeep Gaur, Advocate.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Jasraj Singh Chhabra, Advocate
for Ms. Nandita Rao, ASC (Crl.) for State/GNCTD
and SI Ravinder, PS Alipur.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

06.02.2024

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1. This writ petition has been filed by the Petitioner Ranjeet Kumar S/o Sh. Surat Mehto, under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking quashing of impugned order dated 22.11.2023, whereby application of the Petitioner for grant of furlough has been rejected as well as for a direction to the Respondent to release the Petitioner on furlough for a period of three weeks in case FIR No.302/2012, registered under Section 302 IPC at PS: Alipur.

2. Petitioner is presently confined in Central Jail No.02, Tihar, New Delhi and is undergoing life imprisonment, out of which he has already undergone more than 10 years and 6 months of imprisonment, excluding remission period. Petitioner was convicted vide judgment dated 21.02.2018 and sentenced vide order dated 26.02.2018 to life imprisonment with fine of Rs. 7,000/- and in default of payment of fine, simple imprisonment for 05 months. The judgment of conviction and order on sentence were challenged before this Court in Crl. A. 411/2018 and the appeal was dismissed by this



Court vide judgment dated 31.05.2019. Petitioner applied for grant of first spell of furlough for a period of three weeks to re-establish social ties with society and family members on account of continuous long incarceration vide application dated 02.08.2023, but the Competent Authority has declined to grant furlough placing reliance on paragraph 1224(iii) of Delhi Prison Rules, 2018 since Petitioner jumped parole during the period 08.11.2019 to 22.11.2019 and was re-arrested on 25.06.2020.

3. Status report has been filed wherein the address of the Petitioner stands verified and on this score there is no opposition to the grant of furlough. Perusal of the impugned order dated 22.11.2023 shows that the only ground for rejection of the application of the Petitioner is that he does not fulfil the criteria laid down in paragraph 1224(iii) of Delhi Prison Rules, 2018, as he had jumped the parole when he was released on 08.11.2019 for two weeks and had to be re-arrested. In my view, the impugned order overlooks the fact that this Court vide order dated 02.03.2023 in W.P. (CRL.) 2783/2022 had granted parole to the Petitioner for four weeks, which concession has not been misused by the Petitioner and significantly, in this very order the Court took note of the past conduct of the Petitioner having jumped parole between 08.11.2019 to 22.11.2019 and observed that more than two years had elapsed since the said incident. It is not the case of the State in the status report now filed that post the grant of parole by this Court on 02.03.2023, his conduct has been such which is undeserving of his being released on furlough. Learned counsel for the Petitioner has adverted to an order dated 15.03.2022 passed by this Court in **Sunil v. State, W.P. (CRL.) 2550/2021**, wherein this Court had granted parole to a convict who had not surrendered on expiry of the parole. Considering that more than four years



have elapsed from the time the last incident of the Petitioner jumping parole had taken place in the year 2019 and after which on being granted parole the Petitioner has not misused the concession, the Petitioner is enlarged on furlough for a period of three weeks from the date of release, subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety of the like amount, to the satisfaction of the concerned Jail Superintendent and further subject to the following conditions: -

- i. During the period Petitioner remains out on furlough, he shall report to the SHO, Police Station Alipur, Delhi on every Saturday;
 - ii. He shall provide his mobile number to the SHO, Police Station Alipur, Delhi, which shall be kept in working condition at all times and shall not change the mobile number without prior intimation to the SHO concerned;
 - iii. He shall not leave National Capital Territory of Delhi during the period of furlough, without prior permission of this Court;
 - iv. He shall not indulge in any criminal activity or communicate with or come in contact with the Victim's family or any person associated with the case.
 - v. He shall surrender before the Jail Authorities on expiry of the period of furlough.
4. Petition is disposed of accordingly.
5. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

FEBRUARY 06, 2024/akc/shivam

JYOTI SINGH, J