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

+ W.P.(CRL) 686/2024

RAJINDER @ JINDER

..... Petitioner

Through: Mr. Siddharth Yadav, Advocate.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Amit Peswani, Advocate for
Ms. Nandita Rao, ASC for State with
Insp. Suneel Siddhu, P.S. Mangopuri..

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

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10.04.2024

1. The present petition is filed under Article 226 of the Constitution read with section 482 Cr.P.C. for quashing of order dated 25.01.2024 bearing no. F.10(3758847)/CJ/LEGAL/PHQ/2024/6511 issued by the respondent and for further directions for grant of first spell of furlough for a period of 03 weeks in FIR bearing no. 0139/2004 registered under sections 302/186/201/392/120B/34 IPC at P.S. Mangolpuri and FIR bearing no. 0119/2004 registered under section 25 of the Arms Act, 1959 at P.S. Shalimar Bagh.
2. It is stated that the petitioner was convicted in FIR bearing no. 0139/2004 registered under sections 302/186/201/392/120B/34 IPC at P.S. Mangolpuri and FIR bearing no. 0119/2004 registered under section 25 of the Arms Act, 1959 at P.S. Shalimar Bagh vide judgment dated 22.02.2017 and was sentenced vide order on sentence dated 28.02.2017 and the appeal



bearing no. 515/2017 was dismissed by this Court on 19.12.2018. The petitioner is stated to be in judicial custody since 2004. The legs of the petitioner are stated to be amputated. The wife of the petitioner has already expired. The petitioner had applied for grant of furlough which was ordered to be dismissed vide order dated 25.01.2024.

3. The counsel for the petitioner stated that the marriage of son of the petitioner is fixed from 16.04.2024 to 19.04.2024 and wife of the petitioner has already passed away on 09.07.2022. The legs of the petitioner are stated to be amputated. The counsel for the petitioner further stated that marriage of son of the petitioner is to be solemnized in Chandigarh. The presence of the petitioner in the marriage of his son is indispensable due to the reasons as mentioned hereinabove. It is prayed that the petitioner be released on first spell of furlough for a period of 03 weeks in FIRs bearing no. 0139/2004 and 0119/2004.

4. The respondent filed the Status Report wherein it is stated that the marriage and other functions of son of the petitioner is fixed from 16.04.2024 to 19.04.2024. The address of the petitioner has also been verified.

5. After considering all facts, the petitioner is admitted to the first spell of furlough for a period of 03 weeks from the date of release on furnishing personal bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one local surety of the like amount to the satisfaction of the concerned Jail Superintendent. The petitioner is directed to surrender before the concerned jail immediately after expiry of first spell of furlough of 03 weeks. It is also directed to the petitioner that he shall not indulge in any criminal activity.

6. The present petition stands disposed of.



7. Copy of this order be sent to the petitioner through concerned Jail Superintendent for information.

APRIL 10, 2024
N/AM/ABK

DR. SUDHIR KUMAR JAIN, J