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

+ **W.P.(CRL) 2273/2023**

BHARAT KUMAR @ MANOJ @ MANNU

.....Petitioner

Through: Mr. Sidhath yadav, Mr. Prashant Jain
and Mr. Parth Kaushik, Mr. Akshay
Pundir, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC for the
State with SI Naveen PS Palam
Village

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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14.08.2024

1. The present Writ Petition has been filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. has been filed for release of the petitioner on furlough for a period of three weeks.
2. It is submitted that the petitioner is convicted for the offences under Section 302/376/363/201 IPC and has been sentenced to Life Imprisonment and fine. CrI.A.1662/13 to appeal against the Judgment of Conviction and Sentence dated 11.11.2013 and 20.11.2013 passed by the learned ASJ was filed before this Court and the sentence was modified *vide* Judgement dated 18.09.2014. The Petition intends to maintain social ties with his family. As per Rule 1226 (X) & (XI) of Delhi Prison Rules 2018, the Application is mandated to be decided within four weeks, but no Order has been communicated to him within four weeks.
3. The petitioner had applied for grant of Furlough vide Application



dated 01.02.2023, but no decision on the said Application was communicated to the petitioner. The petitioner has now been communicated the Order dated 17.07.2023 *vide* which his Furlough has been dismissed.

4. It is further submitted that the petitioner has earned three Annual Good Conduct reports and is entitled to seek the indulgence of this Court.

5. It is further stated that the petitioner's family comprises of his mother aged about 62, one elder brother namely Vinod aged about 40 years who is doing private job in Airport and two elder sisters who are married and settled with their matrimonial families.

6. The petitioner has been presently working in the factory inside CJ-2 and is earning Rs.5,500/-(appx.) per month. He has been maintaining overall good conduct. He has furnished his permanent residential address. Hence the present Petition has been filed to challenging the Order for Furlough and for grant of Furlough.

7. Learned ASC for the State submits that the Furlough has been denied on the basis of the Police Report and Social Welfare Report. Moreover, considering the heinousness of the crime, the Furlough may not be granted as there is every likelihood of the petitioner committing the offence again, once released on Furlough.

8. **Submissions heard.**

9. The Nominal Roll of the petitioner shows that he has been in Jail for approximately 13 years. His Jail conduct has been reported to be satisfactory. He has been granted Parole thrice, for two weeks, three weeks and three weeks in the years 2015, 2017 & 2019 respectively and no release from the Jail has been availed from the last 5 years.

1. Considering the circumstances detailed in the petition, it is Human



Right to that it is to maintain the social ties with the family members, it is considered appropriate to grant the Furlough to the petitioner for a period of three weeks. this Court directs that the petitioner be released on first spell of furlough for a period of three weeks, on the following terms and conditions:

- i. The petitioner shall furnish a personal bond in the sum of Rs.10,000/- with one surety of the like amount, to the satisfaction of the Jail Superintendent.
 - ii. The petitioner shall report to the SHO of the local area once a week on every Sunday between 10:00 AM to 11:00 AM during the period of furlough.
 - iii. The petitioner shall furnish a telephone/mobile number to the Jail Superintendent as well as SHO of local police station, on which he can be contacted if required. The said telephone number shall be kept active and operational at all the times by the petitioner.
 - iv. The petitioner shall ordinarily reside at the address mentioned in the petition.
 - v. Immediately upon the expiry of period of furlough, the petitioner shall surrender before the Jail Superintendent.
 - vi. The period of furlough shall be counted from the day when the petitioner is released from jail.
10. The Petition is allowed and accordingly disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 14, 2024/PT