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

+ **W.P.(CRL) 1943/2024**

PRAVEEN

.....Petitioner

Through: Ms.Gunjan Sinha Jain, Adv.
(DHCLSC) with Mr.Akshay Kumar,
adv.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr.Sanjay Lao, standing counsel
(Crl.) with Mr.Abhinav Kr.Arya and
Ms.Priyam Agarwal, advts.

SI Maya, PS Preet Vihar

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

20.08.2024

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1. The present petition has been filed with the following prayer:

“a. Issue of writ in the nature of Certiorari quashing the order F-10. (003472148) / CJ / Legal/ PHQ / 2024/3704 vide order dated 7.5.2024 passed by the respondent and thereby rejected the application of furlough.

b. Issue a writ in the nature of Mandamus directing the respondent to release the petitioner on furlough for a period of 03 weeks.”

2. It is a matter of record that the petitioner is undergoing the sentence of imprisonment for life as awarded by the Ld. Trial court in case FIR No.569/2000 registered u/s 364-A/34 of IPC at P.S. Preet Vihar and has already undergone incarceration of about more than 19 years



(approx).

3. Learned counsel for the petitioner submits that the petitioner was granted a two-week furlough by the DG (P) vide order dated 27.9.2023. Thereafter, he requested to be released on cash surety of Rs. 10,000/- and the same request was granted vide order dated 08.12.2023. It is further submitted that he was released from jail on 31.1.2024 and he had to surrender before the jail on 20.02.2024.
4. Learned counsel for the petitioner submits that at that time, the petitioner's mother namely Smt. Dhano was seriously ill and was suffering from breathing and heart diseases and the petitioner was busy with her medical treatment, therefore he could not surrender on time. However, on 22.2.2024, the petitioner surrendered before the jail authorities. It is also submitted by the learned counsel that the mother of the petitioner namely Smt. Dhano expired on 29/2/2024 and she was cremated on 01/03/2024.
5. Learned counsel for the petitioner submits that the petitioner approached the Competent Authority for a grant of 1st spell of Furlough for 03 weeks vide letter which was dispatched from the CJ 14, Mandoli, Delhi. However, vide order ref. no. F-.10. (003472148) / CJ / Legal / PHQ / 2024/3704 vide order dated 07.5.2024 and the same was rejected in view of the late surrender when he was last released on Furlough.
6. Learned counsel for the petitioner submits that the petitioner has already undergone custody for more than 19 years and the petitioner is seeking the first spell of furlough for three weeks to conduct the last remaining rites of his mother.



7. Learned standing counsel submits that furlough was declined in accordance with the prison rules for the late surrender. Further, the death of the mother of the petitioner has been verified.
8. In the present case there is no doubt that the petitioner's personal circumstances at this time, namely the passing-on of his mother and his need to be with his family and perform rites and rituals, stand verified and require humane consideration.
9. Taking into account facts and circumstances, the impugned order dated 07.05.2024 is set aside and the petitioner is admitted to 1st spell of furlough for a period of three weeks from the date of release on furnishing a personal bond of Rs.10,000/- (Rupees ten thousand) with cash surety of the like amount subject to the satisfaction of the concerned jail superintendent and subject to the following conditions:
 - iv. The Petitioner shall furnish his mobile number(s) in the personal bond to the Jail superintendent, shall keep it operational at all times and shall also remain available on the same; and
 - v. The petitioner shall remain available at his address given in the personal bond furnished before the Jail Superintendent; and
 - vi. The petitioner shall surrender before the Jail Superintendent in the expiry of 3 weeks from the date of his release.
10. The petition stands disposed of.
11. A copy of this order be sent to the concerned Jail Superintendent for information and compliance.

DINESH KUMAR SHARMA, J

AUGUST 20, 2024/rb/ht..