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

+ **W.P.(CRL) 3156/2023**

RAJ KUMAR

..... Petitioner

Through: Mr. Shiv Chopra and Mr. Siddharth
Arora, Advocates.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Ms.Nandita Roa, ASC for the State
along with SI Akash Kumar, P.S.
Bhajanpura.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

03.04.2024

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1. The instant petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') seeking issuance of writ in the nature of Certiorari for quashing of the Order No. F.10 (3471116)/CJ/LEGAL/PHQ/2023/55711 dated 05.09.2023 passed by the respondent rejecting the modification application seeking release of the petitioner on a spell of furlough for three weeks on modifying the condition of furnishing a surety in the sum of Rs.10,000/- and permit the petitioners to fulfil the said criteria by depositing cash surety in the sum of Rs.10,000/- to the satisfaction of the Jail Superintendent.



2. Issue notice. Ms. Nandita Rao, learned ASC accepts notice on behalf of State.
3. Brief facts of the case are that in May, 2023, the petitioner had applied for grant of 1st spell of furlough for a period of three weeks. On 06.06.2023, the application for grant of furlough filed by the petitioner was allowed by the competent authority. In August, 2023, having been aggrieved by one of the conditions in the aforesaid order to furnish one surety of Rs.10,000/-, the petitioner herein filed an application for modification before the concerned authorities seeking his release on personal bond/cash surety in the sum of Rs.10,000/- only. On 05.09.2023, the said application of the petitioner seeking modification was dismissed by the competent authority. Thereafter, the present petition has been filed.
4. The petitioner herein has been sentenced to life imprisonment. The criminal appeal filed by him has been dismissed by this Court on 30.05.2016. The petitioner herein has already undergone incarceration of about 14 years without remission. As per nominal roll, the conduct of the petitioner herein has been satisfactory and he has been working in the prison as Sahayak and he was granted emergency parole twice and he had not misused the liberty so granted to him.
5. This Court has heard arguments addressed by learned counsel for the petitioner as well as learned counsel for the ASC and has perused the material available on record.
6. Considering the aforesaid facts and circumstances, this Court is inclined to allow the present application. It is directed that the petitioner be released only on furnishing personal bond. Rest of the conditions imposed *vide* order dated 06.06.2023 shall remain the same.



7. In view of the above, the present petition stands disposed of.
8. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

APRIL 03, 2024/A

Click here to check corrigendum, if any