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

+ **W.P.(CRL) 3168/2024**

SANJAY KUMAR VALMIKI

.....Petitioner

Through: Mr. Ajayinder Sangwan, Adv
(DHCLSC).

versus

STATE GOVT. NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel for
State with Insp. Ashwani, PS: Maurya
Enclave.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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09.10.2024

CRL.M.A. 30755/2024(Exemption)

1. Allowed, subject to all just exceptions.
2. Application is accordingly disposed of.

W.P.(CRL) 3168/2024

1. Petition has been filed seeking furlough rejection order dated 06th September, 2024 passed by the Competent Authority.
2. The petitioner seeks furlough in FIR 226/2011 P.S. Maurya Enclave Section 302, 201, 363, 376 (2) (F) IPC.
3. As per the Nominal Roll, the petitioner has been in custody for about 13 years 2 months. There is no other previous involvement and has been granted furlough twice in March 2024 and June 2024 and surrendered in time. The jail conduct is also satisfactory.



4. Counsel for petitioner points out to the judgment of 17th November 2023 in W.P. (Crl) 2771 of 2022 reported as 2023: DHC: 8373 which he has placed on record.

5. The issue in the said matter was whether parole can be granted to a convict who has been awarded imprisonment for life with no remission for 25 years. Coordinate Bench of this Court has assessed the law in this regard and reaches a conclusion that the petitioner was entitled to grant of furlough considering that the Supreme Court has already taken the view allowing such relief in **Atbir v. State** SCC onLine SC 527.

6. Subject to verification of the address of the petitioner which shall be done within a period of one week from today be released on furlough for a period of two weeks from the date of his release on furnishing a personal bond in the sum of Rs. 15,000/- with one surety of the like amount with the satisfaction of the Jail Superintendent, and further subject to the following conditions:

1. The petitioner shall not leave the National Capital Territory of Delhi during the period of furlough, without the prior permission of this Court.
2. The petitioner shall provide the mobile number(s) to the concerned Jail Superintendent and concerned SHO at the time of release, which shall be kept in a working condition at all times.
3. The petitioner shall appear before the SHO, Police Station Maurya Enclave, every third day between 11:00 AM and 11:30 AM to mark his presence. However, he shall not be kept waiting for longer than an hour for this purpose.
4. The petitioner shall positively surrender before the concerned



Jail Superintendent on the expiry of the period of two weeks from the date of his release.

7. The present petition is stands disposed of in term of above.
8. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
9. Order be uploaded on the website of this Court.

ANISH DAYAL, J

OCTOBER 9, 2024/RK