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

+ **W.P.(CRL) 3302/2024**

RANJEET

.....Petitioner

Through: Mr. Vishesh wadhwa Adv. Ms.
Swadha Gupta Adv. Mr. Vishwam
Mishra Adv. Ms. Snigdha Jha, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amol Sinha, ASC for State with
SI Sandeep Kumar, PS: Alipur, Delhi.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

11.11.2024

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1. Pursuant to the previous order of this Court, status report has been handed up dated 11th November, 2024. Status report notes that earlier sureties had been granted by the brother of the petitioner (*one Raj Kumar*). The brother, however, stated that he has meagre income and has a family and he is unable to provide surety for his brother considering his circumstances.
2. The other brother Sanjay, is untraceable.
3. The furlough has been sought by petitioner for establishing social ties as also is taking care of his ground who is suffering from paralysis. The petitioner's father already passed away a decade ago.
4. The petitioner is working as "*Bakery Sahayak*" in CJ-2 earning about 10,000/- per month and is not able to give cash surety.
5. As per the Nominal Roll, the petitioner has undergone about 11 ½ years in custody without remission and about 13 years with remission.



6. There are no previous involvements. On earlier occasions, parole has been granted in 2023 and furloughs have been granted in 2024 on two occasion by this Court.
7. The earlier occasion, when parole was jumped in 2019 and re arrested after six months in 2020.
8. However, after that this Court had granted him one parole and two furloughs as noted above.
9. In view of these facts and circumstances, the observations of the Hon'ble Supreme Court in *Asfaq v. State of Rajasthan*, (2017) 15 SCC 55, are relevant. The Hon'ble Supreme Court has stated:

“17. From the aforesaid discussion, it follows that amongst the various grounds on which parole can be granted, the most important ground, which stands out, is that a prisoner should be allowed to maintain family and social ties. For this purpose, he has to come out for some time so that he is able to maintain his family and social contact. This reason finds justification in one of the objectives behind sentence and punishment, namely, reformation of the convict. The theory of criminology, which is largely accepted, underlines that the main objectives which a State intends to achieve by punishing the culprit are: deterrence, prevention, retribution and reformation. When we recognise reformation as one of the objectives, it provides justification for letting of even the life convicts for short periods, on parole, in order to afford opportunities to such convicts not only to solve their personal and family problems but also to maintain their links with the society. Another objective which this theory underlines is that even such convicts have right to breathe fresh air, albeit for (sic short) periods. These gestures on the part of the State, along with other measures, go a long way for redemption and rehabilitation of such prisoners. They are ultimately aimed for the good of the society and, therefore, are in public interest.

18. The provisions of parole and furlough, thus, provide for a humanistic approach towards those lodged in jails. Main purpose of



such provisions is to afford to them an opportunity to solve their personal and family problems and to enable them to maintain their links with society. Even citizens of this country have a vested interest in preparing offenders for successful re-entry into society. Those who leave prison without strong networks of support, without employment prospects, without a fundamental knowledge of the communities to which they will return, and without resources, stand a significantly higher chance of failure. When offenders revert to criminal activity upon release, they frequently do so because they lack hope of merging into society as accepted citizens. Furloughs or parole can help prepare offenders for success.”

(emphasis added)

10. In these circumstances, the petitioner is granted furlough for two weeks in FIR no. 302/2012 PS Alipur, under Sections 302 IPC in accordance with the conditions in order of the Competent Authority dated 20th July, 2024, modified to the extent that the surety will be in terms of the cash surety of Rs. 10,000/-, rest of the conditions will remain same as recorded in order dated 20th July, 2024 of the Competent Authority.
11. Petition is disposed of accordingly.
12. Order be uploaded on the website of this Court.

ANISH DAYAL, J

NOVEMBER 11, 2024/RK

Click here to check corrigendum, if any