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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(CRL) 1832/2024 & CRL.M.A. 17833/2024

SANDEEP ALIAS SANDYPetitioner

Through: Mr. Ranbir Singh Kundu, Adv.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Y.R. Ansari, ASC with SI
Pradeep Kumar, Crime Branch.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **03.07.2024**

1. This hearing has been done through hybrid mode.

CRL.M.A.17834/2024 (for exemption)

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

W.P.(CRL) 1832/2024 & CRL.M.A.17833/2024 (for grant of parole/farlough)

3. The present writ petition has been filed by the Petitioner-Sandeep@Sandy challenging the Rules 1212 Note (2) and Note (1) of Rule 1224(v) of the Delhi Prison Rules, 2018 (*hereinafter, 'the said Rules'*) relating to grant of parole/furlough.

4. The submission on behalf of the Id. Counsel for the Petitioner Mr. Ranbir Singh Kundu is that six accused have been convicted in the same case in relation to the FIR No. 862/16 P.S. Shahbad Dairy, and due to the impugned Rules, right of the Petitioner to avail of parole/furlough has been severely



hampered. Therefore, it is submitted that non-grant of simultaneous parole/furlough is unconstitutional and should be quashed.

5. Issue notice.

6. Notice is accepted by Mr. Y.R. Ansari, Id. ASC on behalf of the Respondents.

7. Let Respondents file their written submissions in this matter before the next date of hearing, with an advance copy to the Id. Counsel for the Petitioner.

8. Insofar as the application being **CRL.M.A.17833/2024** for grant of parole/furlough is concerned, a perusal of the representation dated 16th October, 2023 made by the Petitioner gives an impression that three of the co-convicts want to be released on furlough simultaneously. The same has been rejected *vide* the impugned order dated 5th March, 2024 passed by the Office of the Director General (Prisons) Prison Headquarters, Tihar, New Delhi.

9. In the meantime, while the present writ petition is pending adjudication before this Court, the Petitioner is free to move a fresh representation before the Office of the Director General (Prisons) for release on parole/furlough, singularly, in respect of the said Petitioner only. Let the same be considered on merits by the concerned authority.

10. By the next date of hearing, a status report be filed, giving the details of the number of times and period for which parole/furlough has been given to the Petitioner and his co-convicts in the present case.



11. Copy of this order be communicated to the Jail Superintendent. List for hearing on 21st August, 2024.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

JULY 3, 2024/dk/dn