

Bharat Singh vs.state

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Court : Delhi

Decided On : Nov-30-2016

Appellant : Bharat Singh

Respondent : State

Judgement :

* % + IN THE HIGH COURT OF DELHI AT NEW DELHI Decided on:

30. h November, 2016 WP(CRL.) 2445/2016 BHARAT SINGH

... Petitioner

Represented by: Mr. Sumeet Verma with Mr. Abhijeet Sharma, Advs. STATE
versus Represented by: Mr. Rajesh Mahajan, ASC with SI Arun Dagar, PS
Kapashera. Respondent CORAM: HON'BLE MS. JUSTICE MUKTA GUPTA
MUKTA GUPTA, J.

(ORAL) 1. A detailed affidavit of Director General (Prisons) has been filed indicating the replies to the issues raised in the order dated 4th October, 2016 passed by this Court. Relevant paras of the affidavit of the Director General (Prisons) read as under- 1. That vide order dt. 04.10.2016, this Honble High Court has directed to file a detailed affidavit on the following issues: (a) Whether grant of parole to a convict is taken into consideration while granting furlough in a particular year to the convict?. (b) How many paroles and furloughs together can be granted to the petitioner as the impact of both parole and furlough is the same?. WP(Crl.)

2445/2016 Page 1 of 5 (c) Whether suo moto exercise is taken by the Jail authorities to find out people who have not applied for furlough but are entitled to receive the same and if so what is the outcome thereon?.

2. That the pointwise reply to the issues mentioned in para 1 are as follows- (a) As per the existing parole/furlough guidelines 2010, grant of parole to a convict is not a bar for granting him furlough in a particular year. However grant of parole is usually taken into consideration while granting furlough and at least one month gap from the availed parole/furlough is maintained so that convict does not exhaust his chance in one go and can avail subsequently when the actual need arises. It may be mentioned here that the parole/furlough guidelines are being revised and under process with the government, GNCT of Delhi and the issue for keeping time gap in granting parole and furlough is specifically mentioned therein. (b) Section 2(1)(h) of Delhi Prisons Act, 2000 defines Furlough as follows: (h). Furlough means leave as a reward granted to a convicted prisoner who has been sentenced to rigorous imprisonment for five years or more and has undergone three years thereof. WP(Crl.) 2445/2016 Page 2 of 5 Section 2(1)(p) of the Act (ibid) defines Parole system as follows: (p) Parole system means the system of releasing prisoners from prison on parole by suspension of their sentence in accordance with the rules. The parole applications are dealt by the Home Department, GNCT of Delhi and the sanctioning authority is the Govt. Of NCT of Delhi i.e. Honble Lt. Governor, GNCT of Delhi. The Government may consider such application for parole only on the specified grounds in the guidelines such as serious illness of a family member, critical condition in the family of the convict on account of accident or death of a family member, marriage of any member of family, delivery of a child by the wife of the convict, serious damage to life or property of the family of the convict including damage caused by natural calamities, to maintain family and social ties and to pursue the filing of SLP. Whereas in case of furlough the sanctioning authority is the Director General (Prisons), GNCTD of Delhi and it may be granted to the eligible convicts as a reward for maintaining good conduct in prison subject to the other conditions as mentioned in the guidelines. There is no ground required for granting furlough as essential under Parole applications/matters. WP(Crl.) 2445/2016 Page 3 of 5 That parole usually shall not exceed four weeks at a time except in special

circumstances in a year. That furlough, on the other hand, is a brief release from the prison in three spells in a conviction year - the 1st spell being of 3 weeks and the rest two spells being of two weeks each. (c) That with regard to the query raised by the Honble High Court, whether suo moto exercise is taken by the jail authorities to find out people who have not applied for furlough but are entitled to receive the same and if so what is the outcome thereon, it is most humbly submitted that recently exercise was taken up by the jail authority for such category of convicts and around 19 convicts were found eligible during that survey and on their consent, they were released from jail on furlough and were sent to Shri Chetan Jyoti Ashram, Bhoopatwala Road, Near Sukhi Nadi, Haridwar, Uttarakhand- 249401 with the assistance of an NGO (Panchwati Yogashram). All of them have surrendered to the jail in time. As per the feedback given by such convicts, the experience gained by them during the holy tour to the said ashram, was quite fruitful. It has strengthened their belief in system and enabled them to mend their views about life. 2. Learned Additional Standing Counsel for the State submits that petitioner has been granted furlough for a period of three weeks. WP(Crl.) 2445/2016 Page 4 of 5 3. The petition is disposed of with directions that in future regular exercise will be made by the Tihar Prison as indicated in the affidavit of Director General (Prisons). (MUKTA GUPTA) JUDGE NOVEMBER 30 2016 v mittal WP(Crl.) 2445/2016 Page 5 of 5