

Subhash Chander & Ors vs State (Govt. Of Nct Of Delhi) on 20 October, 2023

Author: Amit Bansal

Bench: Amit Bansal

\$~50

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(CRL) 3131/2023 & CRL.M.A. 29053/2023

SUBHASH CHANDER & ORS.

Through: Mr.Rishi Malhotra,

ve

STATE (GOVT. OF NCT OF DELHI)

Through: Ms.Nandita Rao, A

Mr.Jasraj Singh

Peswani and Ms.A

Advocates.

SI Ajay Kumar, P

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

OR

% 20.10.2023 CRL.M.A. 29052/2023 (Exemption)

1. Allowed, subject to all just exceptions.

2. The application is disposed of.

CRL.M.A. 29054/2023 (Exemption from lengthy list of dates)

3. For the reasons stated, the application is allowed.

4. The application is disposed of.

W.P.(CRL) 3131/2023

5. The present petition has been filed on behalf of 12 petitioners who have been convicted for various offences and have undergone substantial time in custody, details of which are reproduced below:-

i) Petitioner No.1/Subhash Chander has already undergone total sentence of 18 years as on date in FIR No.175/2001 under This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 21/10/2023 at 00:47:04 Sections 307/343/120-B of the Indian Penal Code, 1860 (IPC) and Sections 25/27 Arms Act, 1959 (Arms Act) registered at Police Station (PS) New Ashok Nagar, Delhi;

ii) Petitioner No.2/Mohd. Anwar has already undergone total sentence of 34 years as on date in FIR No.279/1992 under Section 302/307/34 of the IPC and Sections 25/27/54/59 of the Arms Act and Section 5 of the TADA (P) Act, 1987 registered at PS Sadar Bazar, Delhi;

iii) Petitioner No.3/Chander Prakash has already undergone total sentence of 20 years as on date in FIR No.859/2004 under Section 302/201/34 of the IPC and Section 25/54/59 of the Arms Act registered at P.S. Sangam Vihar, Delhi;

iv) Petitioner No.4/Jamir Ahmed @ Jamiruddin has already undergone total sentence of 18 years as on date in FIR No.216/1994 under Sections 302/452/323 of the IPC registered at PS Jama Masjid, Delhi;

v) Petitioner No.5/Shamsher Singh has already undergone total sentence of 18 years as on date in FIR No.454/2008 under Section 376 of the IPC registered at PS Narela, Delhi;

vi) Petitioner No.6/Vijay Pal has already undergone total sentence of 24 years as on date in FIR No.119/2004 under Sections 302/392/394/34 of the IPC registered at PS Rohini, Delhi;

vii) Petitioner No.7/Raju has already undergone total sentence of 19 years as on date in FIR No.1196/2007 under Sections 302/307/452/34 of the IPC registered at PS Sultan Puri, Delhi;

viii) Petitioner No.8/Jagbandhu Dass @ Tinku @ Tukku has already This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 21/10/2023 at 00:47:04 undergone actual sentence of 20 years as on date in FIR No.111/2006 under Sections 302/394/34 of the IPC registered at PS Sri Niwas Puri, Delhi.

ix) Petitioner No.9/Mohd. Salauddin has already undergone total sentence of 17 years as on date in FIR No.66/2009 under Sections 376/506 of the IPC registered at PS Shahdara, Delhi;

x) Petitioner. No.10/Kulwant Singh @ Bittu has already undergone total sentence of 28 years as on date in FIR No.277/1992 under Section 302 of the IPC registered at PS Tilak Nagar, Delhi;

xi) Petitioner No.11/Ombir Singh has already undergone total sentence of 28 years as on date in FIR No.928/2003 under Sections 324/325/342/376(2)F of the IPC registered at PS Uttam Nagar, Delhi;

xii) Petitioner No.12/Manish has to surrender on or before 27th October, 2023 and has already undergone total sentence of 20 years as on date in FIR No.50/2008 under Sections

302/364/392/394/201/34 of the IPC and Section 25 of the Arms Act registered at PS Palam Airport, New Delhi

6. The following prayers are made in the present petition: -

"A. Issue a Writ, Order or direction in the nature of Mandamus to the Respondents to consider the case of the Petitioners for pre-mature release under the policy dated 16.7.04;

B. Issue a Writ, Order or direction in the nature of Mandamus to the State Government and direct the release · of the petitioners under the policy of premature release dated 16.7.04 forthwith;"

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 21/10/2023 at 00:47:05

7. At this stage, the counsel for the petitioners only presses prayer (A) above. He submits that none of the petitioners have been considered for premature release by the respondent/State as per its policy dated 16th July, 2004. Further, he has drawn attention of the Court to the order dated 17th October, 2023 passed by the Supreme Court, whereby while dismissing the petition under Article 32 of the Constitution of India, liberty has been given to the petitioners to approach this Court and the furloughs granted to the petitioners have been extended for a period of four weeks.

8. Issue notice.

9. Notice is accepted by the learned ASC appearing on behalf of the State.

10. Let a Status Report be filed with details on each of the 12 petitioners.

11. The furlough granted to the petitioners by the Supreme Court stands extended till the next date of hearing.

12. List on 6th December, 2023.

AMIT BANSAL, J.

OCTOBER 20, 2023 rt This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 21/10/2023 at 00:47:05