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* IN THE HIGH COURT OF DELHI AT NEW DELHI

CNR No. DLHC010165722026

+ W.P.(CRL) 1262/2026

B.S

.....Petitioner

Through: Mr. Aman Panwar, Advocate
(DHCLSC) with Mr. Manav Kaushik,
Mr. Nakul Shrivastav and Ms. Rishika
Chaudhary, Advocates.

versus

STEATE OF NCT OF DELHI

.....Respondent

Through: Mr. Yasir Rauf Ansari, ASC
(Criminal) with Mr. Alok Sharma,
Ms. Sonia Malhotra, Ms. Pavitra
Dixit, Advocates with SI Anjana, PS
Delhi Cantt.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

25.08.2026

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1. Petitioner is aggrieved by order dated 27.03.2026 whereby his request for grant of first spell of *furlough* has been declined. The reasons assigned are as under:-

“1. Unverified residential address by probation officer report which are required for the grant of furlough to help authorities make an appropriate and lawful decision.

2. He has been convicted under POSCO for sexual assaults minor girl, he may affect the girl.”

2. Learned Addl. Standing Counsel for the State has submitted a report, which is taken on record.

W.P.(CRL) 1262/2026

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3. As per the report, the address of convict/petitioner has been duly verified. Such report takes care of the first ground of rejection.
4. The second reason for denial is that the petitioner has been convicted under *Protection of Children from Sexual Offences (POCSO) Act, 2012* for committing sexual assault upon minor girl.
5. The Nominal Roll of the applicant is already before the Court and, apparently, he is eligible to seek *furlough* as he has already undergone more than three years of imprisonment after conviction and as per Nominal Roll of the petitioner, his jail conduct during last one year is recorded as *satisfactory*.
6. The purpose of grant of *parole* and *furlough* is benevolent one. While aiming at correctional services, it also enable them to maintain social ties with their family and community and helps them in developing a sense of self-confidence.
7. Undoubtedly, the petitioner herein has been held guilty for offence under Section 6 of *Protection of Children from Sexual Offences (POCSO) Act, 2012* but that, in itself, would not mean that petitioner is precluded from availing *furlough* or *parole*.
8. Learned counsel for the petitioner strongly relies upon order dated 16.11.2023 passed in W.P.(Crl.) 2745/2023 titled *Kalicharan @ Kalka Prasad vs. State of NCT of Delhi*, wherein also, request for *furlough* had been rejected by the *competent authority* for the reason that he had committed a heinous offence under Section 6 of POCSO Act and this Court, after considering the fact that his jail conduct was satisfactory and that he was not involved in any other offence, granted him *furlough*.
9. In *Sanjay Kumar Valmiki vs. State of NCT of Delhi: 2023 SCC OnLine Del 7335* also, this Court, while relying upon the observations made by the



Hon'ble Supreme Court in *Atbir vs. State of NCT of Delhi*: 2022 SCC OnLine SC 527 has granted *furlough* to the accused who was convicted of a gruesome offences of having committed rape and murder of a minor.

10. Reference be also made to *Puran v. State of NCT of Delhi* in W.P.(CRL) 1116/2025 dated 14.10.2025 wherein this Court, while considering the prayer for grant of *furlough*, observed that *furlough* is a reformatory measure intended to enable a convict to maintain his family and social ties and to discharge essential obligations. The Court observed that merely because the offence is heinous in nature, the benefit of *furlough* cannot be declined particularly when the convict otherwise satisfies the requisite eligibility conditions and his conduct during incarceration remains *satisfactory*.

11. Thus, merely, for the reason that a convict has committed a serious crime, he cannot be denied *furlough*.

12. Keeping in mind the overall facts of the case, subject to the verification of address of the petitioner, the petitioner is, hereby, directed to be released on *furlough* for a period of three weeks from the date of his release on his furnishing personal bond in a sum of Rs.10,000/- with two sureties of like amount, subject to satisfaction of learned Trial Court/CMM/Duty Magistrate with the following conditions:-

- i). The petitioner shall not leave the NCT of Delhi without the prior permission of this Court and shall reside at the given address.
- ii). The petitioner shall provide his 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.



iii) The petitioner shall not contact the victim and her family members directly or indirectly.

iv). The petitioner shall appear before the SHO, Police Station Delhi Cantt., once a week, on every Tuesday 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 the abovesaid purpose.

v) The petitioner shall surrender before the concerned Jail Superintendent on the expiry of the period of three weeks from the date of his release.

13. The petition stands disposed of in aforesaid terms.

14. A copy of this order be sent to Jail Superintendent for necessary information and compliance.

MANOJ JAIN, J

AUGUST 25, 2026

st/js



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.

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