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

CNR No. DLHC010282422026

+ **W.P.(CRL) 1926/2026**

RAJU@KUNDAN

.....Petitioner

Through: Mr. Luv Manan, Adv. (DHCLSC)
versus

STATE OF DELHI

.....Respondent

Through: Mr. Yasir Rauf Ansari, ASC with Mr.
Alok Sharma and Mr. Pavitra Dixit,
Adv.
SI Amit, PS Jahangir Puri.

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

% **24.08.2026**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS'), seeking quashing of **Order No. F-10(3508381)/CJ/Legal/PHQ/2026/M-180** dated 26.02.2026 passed by the Director General of Prisons (hereinafter referred to as 'DG(P)'), whereby the petitioner's application for furlough was rejected.
3. The petitioner is undergoing imprisonment for life in **FIR No. 799/2006**, registered under Section 302 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') and Sections 25/27 of the Arms Act, 1959 at Police Station Jahangirpuri. The nominal roll dated 29.06.2026 records that, as on 27.06.2026, he had undergone actual incarceration of 18 years and 19 days, besides earning remission of 4 years, 9 months and 15 days. He has



remained continuously in custody after his re-arrest on 10.08.2020.

4. The application was declined on the grounds that the petitioner had jumped furlough granted in January 2019 and was re-arrested in **FIR No. 177/2019**, that the police verification report was adverse and that the Jail Superintendent had not recommended his release.

5. Learned counsel for the petitioner submits that the petitioner has not been released on furlough after January 2019 and the embargo under Rule 1224(iii) of the Delhi Prison Rules, 2018 cannot operate in perpetuity, that he has remained in custody for over six years after his re-arrest and that his jail conduct for the last one year is reported to be satisfactory.

6. He further submits that the petitioner is on bail in **FIR No. 177/2019** and a general apprehension regarding public tranquillity cannot, by itself, justify denial of furlough.

7. Per contra, learned APP for the State submits that the petitioner does not fulfil the eligibility requirements under Rule Nos. 1223 and 1224 of the Delhi Prison Rules, 2018.

8. Learned APP for the state further submits that the impugned rejection order does not suffer from any infirmity.

9. Heard the learned counsels for the parties and perused the material placed on record.

10. Since the principal objection raised by the learned APP for the State is founded on Rule 1224(iii) of the Delhi Prison Rules, 2018, the same is reproduced hereinbelow:

“iii. Prisoners who are considered dangerous or have been involved in serious prison violence like assault, outbreak or riot, mutiny or escape, or rearrested who absconded while released on parole



or furlough or who have been found to be instigating serious violation of prison discipline as per the reports in his/her annual good conduct report.”

11. The petitioner’s act of jumping furlough cannot be viewed lightly. However, Rule 1224(iii) of the Delhi Prison Rules, 2018 cannot operate as a perpetual embargo. The nominal roll reflects that the petitioner has remained continuously incarcerated since 10.08.2020, that his conduct for the last one year is satisfactory and no misconduct has been reported after 07.09.2024. Thus, the earlier furlough violation, by itself, cannot justify denial of furlough for the remainder of his incarceration. Reference may be made to ***Satender Alias Gajender v. State (Govt. of NCT of Delhi), W.P.(CRL) 221/2022, decided on 09.05.2022.***

12. Considering the period of incarceration undergone, continuous custody of over six years after re-arrest and satisfactory recent conduct, this Court deems it appropriate to grant furlough to the petitioner for a period of three weeks, subject to conditions.

13. Accordingly, the petition is allowed. The impugned order dated 26.02.2026 is set aside and the petitioner is directed to be released on furlough for a period of three weeks from the date of his release, on furnishing a personal bond to the sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent, subject to the following conditions:

- i. The petitioner shall report to the SHO concerned of the local area once a week on every Sunday between 10:00 AM to 11:00 AM during the period of furlough.
- ii. The petitioner shall reside at the address mentioned in the present



petition during the period of furlough.

iii. The petitioner shall surrender before the Jail Superintendent, immediately after the expiry of the period of furlough.

14. The petition stands disposed of in the above terms.

15. Pending application(s), if any, also stand(s) disposed of.

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

17. The order be uploaded on the website *forthwith*.

MADHU JAIN, J

AUGUST 24, 2026/PG