



\$~11

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

CNR No. DLHC010311392026

+ **W.P.(CRL) 2096/2026**

GANGA SAHAY

.....Petitioner

Through: Mr. Balvinder Ralhan, Mr. Lalit
Kataria and Mr. Aditya Ralhan, Advs.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Anand V. Khatri, ASC with SI
Rashmi, PS Vijay Vihar.

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

%

19.08.2026

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 the 'BNSS'), assailing the order dated 29.05.2026 bearing No. F.10(3474589/1224)/CJ/Legal/2026/3672 passed by the Competent Authority, whereby the Petitioner's application for grant of furlough has been rejected. The Petitioner also seeks a direction for his release on furlough for a period of four weeks.

BRIEF FACTUAL MATRIX

3. The Petitioner is undergoing a sentence of life imprisonment in **FIR No. 169/2012** registered at P.S. Vijay Vihar, Delhi, under Section 376(2)(f) of the Indian Penal Code, 1860 (hereinafter referred to as the 'IPC'), and is



presently confined in Central Jail No. 2, Tihar, New Delhi.

4. During his incarceration, the Petitioner has been released on parole/furlough on various occasions. The record reflects three instances of non-surrender relied upon by the prison authorities. The first pertains to parole granted in the year 2015, after which the Petitioner did not surrender and was re-arrested on 01.09.2015 in another case. The second pertains to emergency parole, pursuant to which the Petitioner was required to surrender on 07.04.2023 but did not do so and was re-arrested on 07.04.2024. The third pertains to the furlough pursuant to which the Petitioner was released on 08.05.2025. He was required to surrender on 30.05.2025, but failed to do so and was re-arrested on 02.09.2025.

5. For the last-mentioned violation, punishment of stoppage of *mulaqat* facility for one week was imposed upon the Petitioner. He thereafter approached this Court in **W.P.(CRL) 1482/2026**. *Vide* order dated 07.05.2026, the Competent Authority was directed to reconsider the request for furlough while keeping in mind that the Petitioner had already suffered punishment of stoppage of *mulaqat* for the said violation and could not be made to suffer twice for the same violation. Liberty was also granted to the Petitioner to apply afresh.

6. Pursuant thereto, the Petitioner submitted a fresh application dated 19.05.2026. The same came to be rejected *vide* the impugned order dated 29.05.2026. Apart from the aforesaid instances of non-surrender, the Competent Authority has also recorded that the Petitioner does not fulfil the eligibility criteria under Rule 1223(i) of the Delhi Prison Rules, 2018, as he has not earned rewards in the last three Annual Good Conduct Reports.



SUBMISSIONS BY THE PARTIES

7. Learned counsel for the Petitioner submits that the three instances mentioned in the impugned order could not have been relied upon for rejecting the application. Insofar as the incident of 2025 is concerned, reliance is placed upon the order dated 07.05.2026 passed in **W.P.(CRL) 1482/2026** to contend that the Petitioner has already undergone punishment for the said violation and cannot be made to suffer again on the same account.

8. In respect of the emergency parole incident, learned counsel submits that the same had already occurred when this Court, *vide* order dated 08.04.2025 in **W.P.(CRL) 3887/2024**, granted furlough to the Petitioner for a period of three weeks. As regards the incident of 2015, it is submitted that the same is more than a decade old and cannot constitute a perpetual bar to grant of furlough.

9. Learned counsel further submits that the adverse Annual Good Conduct Reports are themselves attributable to the same incidents which have been relied upon in the impugned order. Reliance is placed upon **Manoj Kumar Singh v. State (Govt. of NCT of Delhi), 2023 SCC OnLine Del 1164**, to contend that an earlier instance of jumping parole cannot result in perennial denial of furlough.

10. *Per contra*, learned counsel for the Respondent opposes the petition and submits that the Petitioner does not satisfy the basic eligibility requirement prescribed under Rule 1223(i) of the Delhi Prison Rules, 2018. It is submitted that he has not earned rewards in the last three Annual Good Conduct Reports. Attention is also drawn to the nominal roll, which records the Petitioner's conduct for the last one year as "unsatisfactory" and his overall conduct as "unsatisfactory", in view of the punishments imposed upon



him and the repeated instances of non-surrender.

FINDINGS AND ANALYSIS

11. This Court has heard learned counsel for the parties and has perused the record.

12. Rule 1223 of the Delhi Prison Rules, 2018 lays down the eligibility criteria for grant of furlough. Rule 1223(i) requires the prisoner to have good conduct in prison, to have earned rewards in the last three Annual Good Conduct Reports and to continue to maintain good conduct.

13. The contention of the Petitioner based upon the order dated 07.05.2026 deserves to be considered at the outset. By the said order, this Court specifically directed that, while reconsidering the request for furlough, the Competent Authority was to keep in mind that the Petitioner had already suffered punishment of stoppage of *mulaqat* in respect of the violation arising from his failure to surrender after being released on furlough on 08.05.2025 and that he could not be made to suffer twice for the same violation. The said direction is binding and the incident of 2025 cannot, therefore, be treated as an independent basis to impose another punishment upon the Petitioner.

14. The order dated 07.05.2026, however, did not direct grant of furlough to the Petitioner. It directed **reconsideration** of his request. Nor did the said order dispense with the eligibility requirements contained in Rule 1223 of the Delhi Prison Rules, 2018 or hold that the Petitioner was to be treated as having earned the requisite rewards in his Annual Good Conduct Reports.

15. In the present case, apart from referring to the earlier instances of non-surrender, the Competent Authority has expressly recorded an independent ground, namely, that the Petitioner has not earned the requisite rewards in the



last three Annual Good Conduct Reports as required under Rule 1223(i). The Nominal Roll additionally records his jail conduct for the last one year as “unsatisfactory” and his overall conduct as “unsatisfactory”.

16. The requirement under Rule 1223(i) is an eligibility condition for grant of furlough. The fact that punishment for a particular prison infraction has already been undergone cannot result in the statutory requirement of earning the prescribed good conduct rewards being treated as fulfilled when the Competent Authority has recorded otherwise. The order dated 07.05.2026 did not dispense with the requirement under Rule 1223(i), nor did it direct that the Petitioner be treated as having earned the requisite rewards in the last three Annual Good Conduct Reports.

17. The order dated 08.04.2025 passed in ***W.P.(CRL) 3887/2024*** also does not assist the Petitioner in the present circumstances. In the said proceedings, this Court had noticed the submission of the Respondent that, as per the status report then on record, the Petitioner would in any event become eligible for furlough with effect from 07.04.2025, and furlough was accordingly granted. The said order was passed on the facts then prevailing. Thereafter, pursuant to the said order, the Petitioner was released on furlough on 08.05.2025 and was required to surrender on 30.05.2025. He failed to surrender on the stipulated date and was re-arrested on 02.09.2025. A previous grant of furlough cannot confer a continuing entitlement to furlough irrespective of the eligibility requirements applicable when a subsequent application is considered.

18. The reliance placed upon ***Manoj Kumar Singh (supra)*** is also distinguishable on facts. In that case, this Court specifically noticed that the prisoner’s conduct was satisfactory and that he had earned seven good



conduct remissions even after his re-arrest. It was in those circumstances that the Court observed that an earlier instance of jumping parole could not result in perennial denial of furlough. The position herein is materially different. The Petitioner has not earned the requisite rewards in the last three Annual Good Conduct Reports and his conduct, as reflected in the nominal roll, is reported to be unsatisfactory.

19. In ***Amar Pal v. State (NCT of Delhi)***, 2026:DHC:1869, this Court, while considering Rules 1223 and 1224 of the Delhi Prison Rules, 2018, noticed repeated instances of jumping parole, abscondence and consequent re-arrest and, on the facts of that case, held that the prisoner fell within the embargo contained in Rule 1224(iii). The decision demonstrates the relevance which the Delhi Prison Rules attach to repeated non-surrender and re-arrest while considering furlough. In the present case, however, it is not necessary for this Court to rest its conclusion on Rule 1224(iii), since the Petitioner independently fails to fulfil the eligibility requirement prescribed under Rule 1223(i).

20. This Court is conscious that the first incident relied upon by the Competent Authority pertains to the year 2015 and, by itself, cannot be treated as creating a perpetual embargo upon the Petitioner seeking furlough. However, the present petition does not turn on the 2015 incident alone. More importantly, the Petitioner presently does not fulfil the eligibility requirement prescribed under Rule 1223(i).

21. Furlough has a reformatory purpose, nonetheless, its grant is subject to fulfilment of the conditions prescribed under the Delhi Prison Rules, 2018. In view of the Petitioner having not earned the requisite rewards in the last three Annual Good Conduct Reports, no ground is made out for this Court to



interfere with the decision of the Competent Authority declining furlough.

22. Accordingly, the present petition is dismissed. Pending application(s), if any, are also disposed of.

23. It is clarified that the present order shall not operate as a perpetual bar against the Petitioner. As and when the Petitioner fulfils the eligibility requirements prescribed under the Delhi Prison Rules, 2018, it shall be open to him to apply afresh for grant of furlough. Any such application shall be considered by the Competent Authority on its own merits and in accordance with law.

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

MADHU JAIN, J

AUGUST 19, 2026/m