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

+ **W.P.(CRL) 232/2024**

SURJEET @ AJAY @ PAYYU @ SANJAY..... Petitioner

Through: **Mr. Rishi Malhotra, Advocate**

versus

STATE (GOVT. OF NCT OF DELHI)

& ANR.

..... Respondents

Through: **Mr. Yasir Rauf Ansari, ASC for
the State with Mr. Alok Sharma
& Mr. Vasu Agarwal, Advocates
with SI Ashish Yadav, PS
Rajouri Garden.**

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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23.01.2024

**CRL.M.A. 2127/2024 (exemption from filing certified and/or
true typed copies of annexures which are dim and small font size
without requisite line spacing) & CRL.M.A. 2129/2024
(exemption from filing lengthy list of dates)**

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

**W.P.(CRL) 232/2024 & CRL.M.A. 2128/2024 (extension of
stay of surrender)**

1. The present petition is filed by the petitioner under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, seeking directions that the case of the petitioner be considered for premature release under the policy dated 16.07.2004.
2. Issue notice. Learned Additional Standing Counsel accepts notice on behalf of the State.
3. The learned Additional Standing Counsel for the State submits that apart from the policy dated 16.07.2004, there have



been subsequent policies also, and the one which is more beneficial to the convict is made applicable. He submits that the petitioner's application will be considered in terms of the policy in vogue.

4. He submits that the petitioner's application was rejected on 30.06.2023 and the petitioner is now again eligible to be considered, since the period of six months have lapsed.

5. In view of the above, this Court does not consider it apposite to pass any order at this stage. The respondent-authorities are expected to pass a reasoned order within a period of four weeks from today.

6. The petitioner was granted furlough by the jail authorities on 02.01.2024, which expires on 24.01.2024. The petitioner has filed CRL.M.A. 2128/2024 seeking extension of furlough.

7. Insofar as, the prayer for extension of furlough is concerned, the same in view of this Court is not maintainable and cannot be granted. The furlough was granted to the petitioner on its application categorically mentioning that he has to surrender on or before 24.01.2024.

8. The petitioner is entitled to have his case considered in terms of the policy for premature release but the same does not entitle him for extension of furlough. The application (CRL. M.A. 2128/2024) in that regard is rejected.

9. In view of the above, no further orders are required to be passed.

10. The petition is disposed of in the aforesaid terms.

AMIT MAHAJAN, J

JANUARY 23, 2024

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