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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ **W.P.(CRL) 766/2024**

ANJU ALIAS SONIA ALIAS BABY Petitioner

Through: Mr. Archit Upadhayay,
Adv. (DHCLSC) & Sagar
Chandela, Adv.

versus

STATE OF NCT OF DELHI Respondent

Through: Mr. Amol Sinha (ASC
Criminal for State) along
with Adv. Kshitiz Garg,
Adv. Ashvini Kumar, Adv.
Chavi Lazarus & Adv.
Arjun Singh Kadian.
SI Arjun Singh, PS GTB
Enclave.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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05.03.2024

**CRL.M.A. 7156/2024 (exemption from filing of original/legible
and true typed copies of annexures).**

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present petition is filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 seeking grant of furlough for a period of three weeks on the ground that the daughter of the petitioner is suffering from Tuberculosis (TB).

4. In the present case, the petitioner was convicted in case arising out of FIR No. 69/07 registered at Police Station Mansarovar Park, under Sections 364/365/392/328/302/120B of

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the Indian Penal Code, 1860 and by order on sentence dated 30.11.2013, the petitioner was sentenced to undergo life imprisonment along with fine of ₹47,000/-, and in default, to further undergo simple imprisonment for nine years. The Nominal Roll indicates that the petitioner has already spent more than ten years in custody.

5. The learned counsel for the petitioner submits that the petitioner had preferred an application seeking furlough since the daughter of the petitioner is suffering from TB, but the same was erroneously rejected by the respondent authority by order dated 12.02.2024 on the ground that the petitioner had jumped her emergency parole. He submits that the petitioner was supposed to surrender on 20.02.2021, but she was arrested on 27.08.2021.

6. The petitioner on an earlier occasion also had filed a Writ Petition being W.P. (Crl.) 3035/2022 seeking release on furlough since, the application filed on an earlier occasion was also dismissed by the respondent authority on the same ground that is, she had jumped her emergency parole in the year 2021.

7. This Court by order dated 31.01.2023, after considering the facts, had granted furlough for a period of four weeks. This Court had accepted the explanation given by the petitioner for not surrendering after the expiry of the emergency parole. The order passed by this Court on an earlier occasion was accepted by the respondent authority.

8. In view of the above, it is apparent that the order dated 12.02.2024 rejecting the application preferred by the petitioner for grant of furlough, is without application of mind, and the same is set aside.

9. It is not disputed that the petitioner is otherwise eligible for grant of furlough since, she is seeking first spell of furlough for
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the year 2024.

10. The object for the grant of furlough as stated in the Delhi Prison Rules, 2018 reads as under :

“1200. The objectives of releasing a prisoner on parole and furlough are:
i. To enable the inmate to maintain continuity with his family life and deal with familial and social matters,
ii. To enable him to maintain and develop his self-confidence,
iii. To enable him to develop constructive hope and active interest in life,
iv. To help him remain in touch with the developments in the outside world,
v. To help him remain physiologically and psychologically healthy,
vi. To enable him to overcome/recover from the stress and evil effects of incarceration, and
vii. To motivate him to maintain good conduct and discipline in the prison...”

11. Further, Rule 1223 of the Delhi Prison Rules, 2018 provides criteria on the basis of which a prisoner can be released on furlough. The said rule reads as under:

“1223. In order to be eligible to obtain furlough, the prisoner must fulfil the following criteria:—
I. Good conduct in the prison and should have earned rewards in last 3 Annual good conduct report and continues to maintain good conduct.
II. The prisoner should not be a habitual offender.
III. The prisoner should be a citizen of India.”

12. Even as per the Nominal Roll, the jail conduct of the petitioner is reported to be satisfactory.

13. In view of the above, the present petition is allowed and the petitioner is directed to be released for a period of three weeks on the first spell of furlough on furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount to the satisfaction of the Jail Superintendent, subject to the following conditions:



- a. During the period the petitioner remains out on furlough, the petitioner shall report to the SHO, Police Station Mansarovar Park, Delhi at 12.00 noon, every alternate Saturday. It is directed that under no circumstance shall the petitioner be made to wait for more than one hour for the purpose of such reporting;
 - b. The petitioner shall also provide the SHO, PS Mansarovar Park, Delhi with mobile telephone number which shall be kept in working condition at all times, and shall not switch off or change the mobile number without prior intimation to the SHO concerned. The mobile location be kept on at all times;
 - c. The petitioner shall not leave the National Capital Territory of Delhi during the period of furlough, without the prior permission of this Court;
 - d. The petitioner shall not indulge in any criminal activity;
 - e. The petitioner is directed to surrender before the jail authorities on or before 22nd day of her release.
14. The petition is allowed in the aforesaid terms.
 15. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

AMIT MAHAJAN, J

MARCH 5, 2024

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