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

+ **W.P.(CRL) 1229/2024**

BHAGIRATH S/O SH. RAJA RAM

.....Petitioner

Through: Mr. Kunal Malhotra, Mr. Ravinder
Gaur, Mr. Rahul Chaprana, Ms.
Rinku, Mr. Aman Arora and Mr.
Milan Malhotra, Advocates.

versus

STATE OF NCT OF DELHI

THROUGH CHIEF SECRETARY

.....Respondent

Through: Mr. Amol Sinha, ASC (CrI.) for the
State with Inspector Rajpal Meena PS
Bindapur, Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

05.07.2024

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1. By way of present petition filed under Article 226 of the Constitution of India, the petitioner seeks quashing of the rejection order No.F.10 (3708571/CJ/Legal/PHQ/2024/16506 dated 08.03.2024 passed by the Office of Director General of Prisons, Prison HQs, Tihar, Janak Puri New Delhi (in case FIR No. 07/2009 registered under Sections 302/397/34 IPC at PS Bindapur, Delhi) whereby the petitioner's application for grant of furlough was declined on the ground that he does not have a good conduct as he had surrendered late by 129 days on 21.06.2021 when he was earlier released on emergency parole vide order dated 23.04.2020.

2. Mr. Kunal Malhotra, learned counsel appearing for the petitioner submits that the late surrender was on account of confusion because of HPC Guidelines as well as on account of the medical condition of the petitioner.



He submits that the petitioner was issued only a minor warning and thereafter has also been granted the benefit of furlough twice in the years 2022 and 2023. He, on instructions further states that though it was alleged that the petitioner was involved in one more case during the release on emergency parole, however, he now stands discharged in the said case being FIR No.275/2020 registered under Sections 308/341/506/511/34 IPC at PS Delhi Cantt.

3. Mr. Amol Sinha, learned ASC (Crl.) appearing for the State submits that the only reason for rejection of the petitioner's application seeking furlough was his earlier late surrender. He further states there is no other impediment in consideration of the application seeking furlough and that the petitioner has been released on furlough twice thereafter.

4. Considering that the only reason assigned in the impugned order is the late surrender and the fact that the order did not consider the subsequent release of the petitioner on two occasions.

5. For all of the aforesaid reasons, the petition is allowed and the petitioner is directed to be released on furlough for a period of three weeks, on his furnishing two sureties of Rs.5,000/- each to the satisfaction of the concerned Jail Superintendent, subject to the following conditions:

- i) During the period the petitioner remains out on furlough, he will remain at his residence and shall report to the SHO of the concerned police station on every Saturday at 12:00.
- ii) The petitioner shall also provide to the concerned SHO 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.

iii) The petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.

iv) The petitioner is directed to surrender before the jail authorities at the expiry of the period of furlough.

6. The petition is disposed of in terms of the above.

MANOJ KUMAR OHRI, J

JULY 5, 2024/rd