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

+ **W.P.(CRL) 1318/2024**

DEVENDER@MONU

..... Petitioner

Through: Ms. Tara Narula, Adv. (DHCLSC)
and Ms. Shivangi Sharma, Adv.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Rahul Tyagi, ASC with
Mr. Sangeet Sibou, Mr. Amit Kumar,
Mr. Sachin Kumar, Mr. Mridul
Chakravarty, Mr. Yashraj and Ms.
Yatika Sharma, Advs. for State

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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30.04.2024

CRL.M.A. 12937/2024

1. Allowed, subject to all just exceptions.

W.P.(CRL) 1318/2024

2. The present petition has been filed seeking quashing of the impugned order no.F.10 (3745694)/CJ/Legal/PHQ/2024/17732 dated 14.03.2024 whereby the application of the petitioner for grant of furlough was declined for the reason that the petitioner when released on parole w.e.f.30.07.2018 to 27.08.2018 had jumped the said parole and was re-arrested on 30.06.2021.

3. The learned counsel appearing on behalf of the petitioner submits that the petitioner's application seeking furlough on an earlier occasion in the



year 2023 was also rejected on the same ground. However, on a writ petition [W.P.(Crl.) 2499/2023] filed by the petitioner, this Court had quashed the said order taking into account the satisfactory conduct of the petitioner for past one year.

4. In view of the above, issue notice. Learned ASC accepts notice on behalf of State. He submits that the impugned rejection order has been passed only in terms of Rule 1224(iii) of the Delhi Prison Rules, 2018 which provides that the person who has jumped the parole shall not be eligible for release on furlough.

5. Considering the nature of the prayer sought, the present petition has been taken up for disposal with the consent of both the parties without calling for any status report.

6. It is noted that on an earlier occasion also the petitioner's furlough application was rejected on the same ground that he had jumped the parole and this Court vide order dated 15.02.2023 passed in W.P.(CRL.) 2499/2023 had quashed the said order of rejection considering the petitioner's good conduct for past one year. In this view of the matter, the competent authority ought not to have rejected the application of the petitioner seeking furlough on the same ground with which this Court did not find favour on an earlier occasion.

7. In view of the above, the petition deserves to be allowed and accordingly impugned order no.F.10 (3745694)/CJ/Legal/PHQ/2024/17732 dated 14.03.2024 passed by the competent authority is quashed. Consequently, it is directed that the petitioner be released on furlough for a period of three weeks from the date of his release subject to his furnishing a Personal Bond in the sum of Rs.10,000/- with one Surety Bond of the like



amount to the satisfaction of the learned Trial Court/CMM/Duty Magistrate, further subject to the following conditions:

- a) The petitioner shall not leave city/NCR region without informing the local SHO;
 - b) Petitioner shall appear before the learned Trial Court as and when the matter is taken up for hearing;
 - c) Petitioner shall provide his mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned;
 - d) He shall report to the Police Station Bawana, Delhi on every Monday during the period of furlough.
7. Upon expiry of period of three weeks as stated above, the petitioner shall surrender before the Jail Superintendent.
 8. The petition is allowed, in the above terms.
 9. Copy of the order be forwarded to the Jail Superintendent for necessary compliance.
 10. Order *dasti* under the Signatures of the Court Master.
 11. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

APRIL 30, 2024/ns