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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1475/2024**
SURENDER SINGH Petitioner

Through: Ms. Sunita Arora,
Advocate (DHCLSC).

versus

STATE NCT OF DELHI Respondent

Through: Mr. Amol Sinha, ASC-
CRL for the State
alongwith Mr. Kshitiz
Garg, Mr. Ashvini Kumar
& Ms. Chavi Lazarus,
Advocates & SI Anoop
Kumar (P.S. Sarojini
Nagar).

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **21.05.2024**
CRL.M.A. 14447/2024 (for exemption)

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

W.P.(CRL) 1475/2024

3. The present petition is filed under Article 226 and 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 challenging the order dated 03.10.2023, passed by the respondent and seeking directions to release the petitioner on furlough for a period of 3 (three) weeks on furnishing a personal bond/cash security in the sum of Rs. 10,000/-

4. By the impugned order the respondent has dismissed the petitioner's application seeking modification in the order dated 06.06.2023 to release the petitioner on furlough on personal bond / cash surety instead of one surety. The respondent has declined



the said application on the ground that the petitioner's son is visiting him on *Mulakat* in jail.

5. The petitioner was granted furlough by order dated 06.06.2023, subject to furnishing of one surety in the sum of ₹10,000/-.

6. It is stated that the petitioner has spend more than fourteen years of custody.

7. The Hon'ble Supreme Court had specifically noted that if the accused is not able to furnish bail bonds and sureties within one month from the grant of bail, the concerned Court may *suo moto* take up the case and consider whether the conditions of bail require modification / relaxation [***In Re: Policy Strategy for Grant of Bail : 2023 SCC OnLine SC 483***].

8. Although the furlough is not an absolute right, but the convict cannot be deprived of the right to apply for the same and present is not the case where furlough is denied. The applicant was granted the furlough on 06.06.2023 but could not be released for the reason that he was unable to provide surety.

9. In terms of Rule 1219 of the Delhi Prison Rules, 2018, in case, the convict is not able to furnish the surety within a period of four weeks from the date of the order, the Superintendent, after considering the application by the convict, shall release the convict on personal bond and on any other reasonable conditions, without insisting on furnishing of the surety.

10. In view of the above, the present petition is allowed and the petitioner is directed to be released on furlough for a period of three weeks on the following conditions:

- a. The petitioner shall furnish a personal bond in the sum of ₹10,000/- with cash surety of the like amount, to the satisfaction of the Jail



Superintendent;

- b. The petitioner shall submit his residential address, where he shall be residing after his release, to the concerned Jail Superintendent, and shall not change the same without informing the concerned Jail Superintendent;
- c. The petitioner shall report to the SHO of the local area, once a week on every Sunday at 10:00 AM and shall not leave the National Capital Territory of Delhi during the period of furlough;
- d. The petitioner shall furnish his mobile number to the Jail Superintendent as well as to the SHO of the concerned Police Station on which he can be contacted if required. The said mobile number shall be kept active and operational at all times by the petitioner;
- e. The petitioner shall not indulge in any criminal activity during the period of furlough;
- f. Immediately upon the expiry of period of furlough, the petitioner shall surrender before the concerned Jail Superintendent;
- g. During this period, co-accused, if any, shall not be released on parole/furlough;
- h. The period of furlough shall commence from the date of actual release of petitioner.

11. A copy of this order be sent to the Jail Superintendent for information and necessary compliance.

AMIT MAHAJAN, J

MAY 21, 2024/ 'Aman'