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

+ **W.P.(CRL) 2698/2023**

RAMANJEET SINGH @ RUMMY

.....Petitioner

Through: Mr. Shiv chopra, Mr. Aadhya
Khanna, Mr. Sidharth Arora and Mr.
Akash Jindal, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Rahul Tyagi, ASC for the State
with SI Chetan PS Swaroop Nagar

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

11.09.2024

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1. The present Petition has been filed under Article 226 of the Constitution of India has been filed against the Rejection Order No.F.2/SCJ-2/CJ-2/AS(CT)/2023/6391 dated 28.08.2023 for release of the petitioner on the first spell of Furlough for three weeks.
2. It is submitted in the Petition that an FIR No. 24/2012 was registered against the petitioner under Section 302/307/34 IPC on 10.02.2012.
3. His Appeal against the Conviction and Sentence was dismissed by the Court on 26.04.2019. The petitioner then filed an Application for grant of Furlough for three weeks on 13.05.2023 to re establish social ties with the society and family members on account of continuous long incarceration, which has been declined vide Order dated 28.08.2023.
4. The petitioner has submitted that he has gone long incarceration of 12 years without remission and is sentenced to rigorous imprisonment for life. He was convicted and sentenced *vide* Judgement dated 23.04.2016 by the



learned ASJ, Rohini Courts, New Delhi in FIR No. 24/2012 registered at PS Swaroop Nagar. His Appeal has been dismissed by the Coordinate Bench of this Court vide Judgement dated 26.04.2019. The first spell of Furlough for a period of three weeks to re establish social ties with society and family members on account of continuous long incarceration was applied vide Application dated 13.05.2023, but the same has been rejected on 28.08.2023 in a mechanical manner without following the Delhi Prison Rules, 2018. The petitioner has already earned three Annul good conduct reports and is entitled to be released on furlough following the criteria detailed in Rules 1220-1223 of the Delhi Prison Rules, 2018. He is fully entitled to the first spell of Furlough. Apart from this, the petitioner has clean antecedents and has no other case pending against him. He has a family comprising of his wife Smt. Sonu, one minor daughter and one minor son. There is no male member in the family to take care of his family. He is presently working in the Jail factory inside CJ-II where he is earning Rs.5,000/- per month. He has been maintaining overall good conduct inside the Jail. The petitioner states that he was granted Parole by this Court for a period of four weeks, which was converted into Emergency Parole and was extended from time to time and he eventually surrendered in the Jail on 07.04.2023.

5. The elder brother of the petitioner, the co convict, Mr. Kamaljit Singh has been granted Furlough many times. The petitioner's wife shall stand surety in case he is released on Bail.

6. It is asserted that the rejection Order is contrary to the rights of the petitioner envisaged under Article 14 of the Constitution of India and his human rights. Hence, a prayer is made that the Furlough rejected Order dated 28.08.2023 be quashed and the petitioner be released on first spell of



Furlough for a period of three weeks.

7. Learned ASC for the State submits that the Petitioner is a Habitual Offender and the impugned Order does not suffer from any infirmity.

8. Submissions heard.

9. The Application of the Petitioner for grant of Furlough has been declined vide Order dated 28.08.2023, which reads as under:

“Does not qualify as per Rule-2 (Sub-Rule-20) i.e. definition of Habitual Offender or habitual Criminal means-(i) Any person convicted of an offence whose previous conviction or conviction under Chapter XII, XVI, XVII of the Indian Penal Code, 1860 taken by themselves or with the facts of the present case show that Delhi Prison Rules, 2018, habitually commits an offence or offence punishable under any or all the previous mentioned chapter”

10. The record shows that since the registration of FIR, the Petitioner has been admitted to Interim Bails as well as Parole/Furlough and his overall conduct as reflected in the Nominal Roll is satisfactory.

11. It can also not be overlooked that as per the Medical Status Report dated 29.08.2024 filed on behalf of the State, submits that way back in 2020, the petitioner had suffered adjustments disorders and had undergone psychiatric treatment.

12. As has been reflected in his Medical Report, long incarceration had created medical disturbances and he is entailing psychiatric treatment. It is in the interest of the petitioner to be permitted to be released on Furlough.

13. The Furlough has been denied to the petitioner stating that he is a Habitual Offender. It has been explained that FIR No. 28/2017 was



registered against him under Section 323/452/34 IPC at PS Swaroop Nagar, but the same was compounded as observed in the Order dated 10.08.2020, vide which the petitioner had been granted Parole for a period of four weeks by the Coordinate Bench.

14. It can be observed clearly that the petitioner is not a Habitual Offender and even if the contention is accepted, then too, it cannot be overlooked that from time to time he has been released and has never misused his liberty. Furthermore, the purpose of releasing a person on Parole/Furlough is essentially to enable him to establish social ties.

15. Accordingly, it is considered appropriate to grant the Furlough to the petitioner for a period of three weeks. The Application is allowed and the petitioner be released on first spell of furlough for a period of three weeks, on the following terms and conditions:

- i. The petitioner shall furnish a personal bond in the sum of Rs.10,000/- with one surety of the like amount, to the satisfaction of the Jail Superintendent.
- ii. The petitioner shall report to the SHO of the local area once a week on every Sunday between 10:00 AM to 11:00 AM during the period of furlough.
- iii. The petitioner shall furnish a telephone/mobile number to the Jail Superintendent as well as SHO of local police station, on which he can be contacted if required. The said telephone number shall be kept active and operational at all the times by the petitioner.
- iv. The petitioner shall ordinarily reside at the address mentioned in the petition.
- v. Immediately upon the expiry of period of furlough, the petitioner



shall surrender before the Jail Superintendent.

vi. The period of furlough shall be counted from the day when the petitioner is released from jail.

16. Petition accordingly disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 11, 2024/PT