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

% **Date of Decision : 08.04.2024**

+ **W.P.(CRL) 2752/2023**

MONU @ JIJI

..... Petitioner

Through: Mr. Shiv Chopra, Ms. Aadhya
Khanna and Mr. Sidharth
Arora, Advocates

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Yasir Rauf Ansari, ASC
for the State with Mr. Alok
Sharma, Mr. Vasu, Ms. Disha
Malhotra and Mr. Abhishek P.,
Advocates and with SI Jagdeep
Sandhu, P.S. South Rohini.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J (ORAL)

1. The instant petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 has been filed on behalf of petitioner seeking following reliefs:

“...a. Issue a writ or order in the nature of Certiorari quashing the furlough rejection order no. No. F. 10(3741962)/CJ/LEGAL/ PHQ/2023/52194 dated 21.08.2023;

b. Issue a writ or order in the nature of Mandamus directing



the respondent to release the petitioner on furlough for a period of three weeks in FIR no. 260/2016, PS: South Rohini, Delhi, Under Section: 302 IPC;
c. Allow the petitioner to furnish one surety of Rs. 5,000/- to the satisfaction of Jail Superintendent, CJ-02, Tihar;

2. The petitioner is presently confined in Central Jail No. 2 Tihar, New Delhi. By virtue of judgment dated 13.02.2019, the petitioner was convicted under Sections 302 of IPC in case arising out of FIR bearing No. 260/2016, registered at Police Station South Rohini, Delhi and was sentenced to undergo life imprisonment by the learned Additional Sessions Judge, Rohini Courts, Delhi. His appeal against conviction i.e., CRL.A. 909/2019 was dismissed by this Court vide judgment dated 23.05.2023.

3. Learned counsel for the petitioner states that the present petitioner has earned last three annual good conduct reports and is fully entitled to avail the liberty of furlough as per Rule 1220, Delhi Prison Rules, 2018. It is stated that respondent failed to appreciate that the petitioner has already spent more than seven years in incarceration excluding remission till now and during the period of incarceration, the petitioner has diligently performed the work as and when assigned by the jail authorities. It has also been stated that the respondent has passed the order rejecting furlough to the petitioner in a very mechanical manner without application of mind. It is therefore prayed that the petitioner be released on furlough for a period of three weeks.

4. Learned ASC appearing on behalf of the state submits that furlough was rejected on the ground that the address of the petitioner



could not be verified. However, the ASC for the State on instructions, submits that the property i.e., Jhuggi No. 105, Indira JJ Camp Sector -3, Rohini, Delhi has been verified and it belongs to the present petitioner.

5. This Court has heard arguments addressed on behalf of both parties and has perused the material placed on record.

6. This Court has also gone through the Delhi Prison Rules, 2018, Rules 1197 and 1200 provide insight as to what objects are achieved by releasing a convict on parole. The said rules read as under:

“1197. Parole and Furlough to inmates are progressive measures of correctional services. The release of prisoner on parole not only saves him from the evils of incarceration but also enables him to maintain social relations with his family and community. It also helps him to maintain and develop a sense of self-confidence. Continued contacts with family and the community sustain in him a hope for life. The release of prisoner on furlough motivates him to maintain good conduct and remain disciplined in the prison.

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...”



7. Further, Rule 1223 provides criteria in 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 fulfill 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...”

8. This Court notes that the learned counsel for the petitioner on behalf of the petitioner states that the petitioner undertakes to stay in the property which has been verified by the State during the period of furlough.

9. Considering the overall facts and circumstances of the case, and the fact that the overall jail conduct of the petitioner is satisfactory and he has not received any punishment tickets while incarcerated as per nominal roll, this Court is inclined to grant furlough to the present petitioner for three weeks from the date of his release, on the following 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. Immediately upon the expiry of period of furlough, the petitioner shall surrender before the Jail Superintendent.

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

10. In above terms, the present writ petition along with pending application, if any, is disposed of.

11. A copy of this order be sent by the Registry to the Jail Superintendent concerned.

12. Accordingly, the present petition stands disposed of.

13. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

APRIL 8, 2024/zp