



\$~62

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

+ **W.P.(CRL) 2329/2024**

JITENDER SINGH

.....Petitioner

Through: Mr. Vishesh Wadhwa, Ms. Shubhangi
Singh, Mr. Vishwam Mishra, Advs.

versus

STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Ms. Sanjay Lao, Standing counsel

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

02.08.2024

%

CRL.M.A. 22779/2024

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(CRL) 2329/2024

3. The present petition has been filed under Article 226 of the Constitution of India r/w Section 482 Cr.P.C. seeking release of petitioner on 2nd spell of furlough for a period of two weeks and seeking quashing of order No. F.10 (3470044)/CJ/LEGAL/PHQ/2024/M-213 dated 24.05.2024, passed by the DG (Prisons), Tihar, Delhi.
4. Issue notice.
5. Learned standing counsel for the state has accepted the notice.
6. Learned counsel for the petitioner submits that vide the impugned order



dated 24.05.2024 the furlough has been rejected on the ground that the convict has not earned last three Annual Good Conduct Remission, being last punishment dated 05.06.2023, for jumping parole/emergency parole and was rearrested on 05.06.2023 as he had confusion regarding the surrender date for convicts released on emergency parole due to the Covid-19 outbreak, and the petitioner believed that he would be informed of his surrender date.

7. Learned counsel further submits that on the similar grounds, earlier also furlough was rejected against which the petitioner moved a petition before this court vide W.P.(CRL) 369/2024 titled *Jitender Singh vs. The State (Govt. of NCT) of Delhi*.
8. Learned counsel also submits that, vide order dated 29.02.2024, in the case titled "*Jintender Singh v. The State (Govt. of NCT) of Delhi*" bearing no. W.P.(CRL) 369/2024, it was held that the petitioner had already undergone over 14 years of custody without remission and has a history of compliance on furlough except for one late surrender around 20 years ago. It was further held that, the court must balance the interests of the convict and society, considering the petitioner's family exigencies and the need for him to re-establish social ties with sensitivity and compassion. This Court granted furlough for a period of 21 days to the petitioner by quashing the order dated 27.09.2023 passed by the DG (Prisons), Tihar, Delhi order bearing no. F.10(3470044/CJ/LEGAL/2023/60380
9. Learned standing counsel has submitted that the request for furlough has been rejected by DG (Prisons), Tihar, Delhi on the basis of the Prison Rules. Learned standing counsel also submits that it is not



disputed that the petitioner had jumped the furlough on 05.06.2023.

10. I have considered the submissions.
11. The facts on the record indicate that the petitioner has already served a period of more than 14 years in custody. The petitioner was released on emergency parole during the COVID-19 pandemic. It has also appeared in the order dated 29.02.2024 that when the petitioner was called to the police station on 05.06.2023 he reported on his own without any protest.
12. This Court in *Ashok Kumar v. State of NCT of Delhi* bearing no. W.P.(CRL) 3063/2023 *inter alia* held that, the provision of furlough offers incarcerated individuals a temporary release to reconnect with their families, seek medical treatment, or pursue rehabilitation programs, providing hope and a sense of normalcy. The Court acknowledged that the petitioner, a convict serving a sentence, is eligible for furlough and parole under the Prison Manual, which applies to all convicts, regardless of the severity of their offenses. Given the petitioner's satisfactory jail conduct over the last 10 years, the lack of misuse of emergency parole, and efforts to support his family, the authorities should consider these factors when making decisions on furlough applications.
13. Taking into account the submissions and the order dated 29.02.2024 passed by this court, the order dated 24.05.2024 passed by the Office of the Director General of Prisons, Prison Headquarters, Tihar, Janakpuri, New Delhi bearing No. F.10 (3470044)/CJ Legal/PHQ/2024/4213 is quashed and the petitioner is granted furlough for a period of two weeks subject to 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, who shall be a family member of the petitioner, to the satisfaction of the Jail Superintendent;
 - ii. The petitioner shall furnish a telephone/mobile number to the Jail Superintendent on which he can be contacted, if required. After his release, he shall also provide his telephone/mobile number to the SHO of the Police Station concerned where the petitioner shall reside, which as per address mentioned in the Memo of Parties, will be Police Station: Sultan Puri, Delhi;
 - iii. If the petitioner has a passport, he shall also surrender the same to the Jail Superintendent;
 - iv. He shall surrender before the jail authorities on expiry of the period of his furlough; and,
 - v. The period of Furlough shall be counted from the day when the petitioner is released from jail.
14. The petition stands disposed of.
15. A copy of this order be sent to the concerned Jail Superintendent.

DINESH KUMAR SHARMA, J

AUGUST 2, 2024/AR/NA..