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

+ **W.P.(CRL) 3600/2023**

RAVI

..... Petitioner

Through: Mr. Nitin Saluja, Ms. Asmita Narula
and Ms. Sanskriti Bansal, Advocates

versus

STATE (GNCT) OF DELHI

..... Respondent

Through: Mr. Rahul Tyagi, ASC for the State
along with Mr. Sangeet Sibou, Mr.
Pratyancha Singh, Ms. Sharmishtha,
Ms. Poornima Yadav, Mr. Rupin, Mr.
Ansh Arora, Mr. Deepak Maheshwari
and Ms. Neeti Varshney, Advocates
along with SI Deepak Kumar, P.S.
Subzi Mandi.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

10.05.2024

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1. The instant petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C. ') has been filed on behalf of petitioner seeking issuance of writ in the nature of mandamus directing the respondent to release the petitioner on first spell of furlough for a period of three weeks.
2. Issue notice. Mr. Rahul Tyagi, learned ASC accepts notice on behalf of State.



3. Learned counsel for the petitioner states that the application for grant of furlough has been rejected by the competent authority on the ground that previously when the petitioner was released on emergency parole on 02.06.2020, during that period another FIR came be registered against him under Sections 307/452/34 of IPC, and has violated Rule 1223(i) of Delhi Prison Rules, 2018.

4. However, this Court notes that as per the nominal roll, the conduct of the present petitioner otherwise is satisfactory and even thereafter, this Court has granted him parole twice from 27.01.2022 to 18.02.2022 and from 28.06.2023 to 20.07.2023 for a period of three weeks respectively. The petitioner herein has not misused the liberty of parole granted to him by this Court and has surrendered on time.

5. In the meantime, this Court's attention has been drawn to provisions of Rule no. 1197 and 1200 of Delhi Prison Rules, 2018 which provide that the provision of furlough and parole are progressive measures of correctional services, and lay down the objectives of furlough and parole. This Court has also gone through Rule 1223 of Delhi Prison Rules, 2018, which provides eligibility criteria for obtaining furlough. This Court notes that the petitioner otherwise has spent 14 years in incarceration, and is thus, entitled to furlough. Even otherwise, as noted above, the grant of furlough has been rejected solely on the ground that another FIR had been registered against him about four years back, however, even thereafter the petitioner had been granted parole twice by this Court, when he had surrendered in time before the Superintendent Jail, without misusing the said liberty. Considering the same, the competent authority is directed to release and grant first spell of furlough to the present petitioner for a period of three



weeks as per Delhi Prison Rules, 2018 within one week.

6. In view of the above, the present petition stands disposed of.
7. The order be uploaded on the website forthwith.

MAY 10, 2024/zp

SWARANA KANTA SHARMA, J

[Click here to check corrigendum, if any](#)