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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2543/2024**
ARJUN @ MONUPetitioner
Through: **Mr. Siddharth Yadav, Advocate.**

versus

STATE (NCT OF DELHI)Respondent
Through: **Mr. Sanjeev Bhandari, ASC (Crl.) for**
the State with Ms.Charu Sharma, Mr.
Arjit Sharma, Mr. Vaibhav Vats and
Mr. Nikunj Bindal, Advocates.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

04.10.2024

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1. By way of present petition filed under Article 226 of the Constitution of India, the petitioner seeks issuance of writ in the nature of certiorari for quashing of the order dated 11.07.2024 passed by the Office of the Director General of Prisons, Tihar, New Delhi whereby his representation for releasing him on furlough/emergency parole was declined.
2. Learned counsel for the petitioner submits that the petitioner has remained incarcerated for a period of about 13 years and 9 months and needs to re-establish social ties.
3. Learned ASC (Crl.) for the State has, however, opposed the present petition by contending that the petitioner was earlier released on parole for a period of 30 days with effect from 22.07.2020 to 20.08.2020 which was extended on account of HPC Guidelines issued during the COVID-19 outbreak. The petitioner while being on parole was found to be involved in another case being FIR No.37/2021 registered under Section 307/34 IPC at



P.S. Sadar Bazar, Delhi. Further, while opposing the present petition, he has referred to Sub-Rule (III) of Rule 1210 of the Delhi Prisons Rules, 2018. He, however, on instructions, states that the petitioner's address already stands verified.

4. At this stage, learned counsel for the petitioner submits that the petitioner has already been released on bail in the aforesaid FIR and while referring to Rule 1223 states that no adverse remark has been made in the nominal roll against the petitioner in the last three years.

5. A copy of the Nominal Roll has been placed on record, a reading of which shows that no adverse remark has been noted against the petitioner and his jail conduct is also reported to be satisfactory.

6. Considering the aforesaid, the petition is allowed and the petitioner is directed to be released on his 1st Spell of furlough for a period of three weeks from the date of his release, on his furnishing one surety of Rs.10,000/- to the satisfaction of the concerned Jail Superintendent and subject to the following conditions:

- i) During the period the petitioner remains out on furlough, he will remain at his residence and shall report to the SHO of the concerned police station on every Saturday at 12:00 PM.
- ii) The petitioner shall also provide to the concerned SHO with mobile number which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the SHO concerned. The mobile location be kept on at all times.
- iii) The petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the



complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.

iv) The petitioner is directed to surrender before the jail authorities at the expiry of the period of furlough.

7. The petition is disposed of in terms of the above.

8. A copy of the order be communicated to the concerned Jail Superintendent for information and necessary compliance.

MANOJ KUMAR OHRI, J

OCTOBER 4, 2024/rd