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

+ **W.P.(CRL) 2613/2024**

JITENDER @ JITU

.....Petitioner

Through: **Mr.Kunal Malhotra, Mr.Ravinder
Gaur and Mr.Manish Ikhanian, Advts.**

versus

STATE OF NCT OF DELHI

.....Respondent

Through: **Mr.Amol Sinha, ASC (Crl.) for the
State with Mr.Kshitiz Garg,
Mr.Ashvini Kumar and Ms.Chavi
Lazarus, Advts.
SI Rahul Ravi, PS Tilak Marg**

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

11.11.2024

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1. Present petition has been filed challenging the order dated 31.05.2024 whereby the competent authority has rejected the application for grant of furlough on the ground that the petitioner is a habitual offender and is not eligible for grant of furlough in view of Rule 1223(II) of Delhi Prison Rules-2018.
2. Learned counsel for the petitioner has submitted that the impugned order was passed without proper consideration. It has further been submitted that the petitioner has already served 13 years in prison and during this period, he has maintained good conduct. It has also been submitted that previously also the petitioner has been granted parole which has not been misused. Learned counsel submits that furlough is required to maintain family and social ties and the petitioner undertakes



to abide by the conditions imposed and shall surrender after the expiry of the furlough period.

3. Mr.Amol Sinha, learned additional standing counsel has shared the status report and stated that the same shall be placed on record. In the status report, it has been submitted that the address of the petitioner has been verified. Learned additional standing counsel submits that the petitioner is also undergoing life sentence after having been convicted in FIR no.135/2014 under Section 364A/387/120B IPC and 25 of Arms Act at PS Kalanaur, Rohtak, Haryana. Learned additional standing counsel submits that even if the furlough is granted, the petitioner will not be released as he is undergoing life imprisonment in case of FIR no. no.135/2014.
4. Be that as it may, it is correct that even if the furlough is granted to the petitioner in the present case, his release will be subject to any order passed by the competent court in FIR no.135/2014 at PS Kalanaur, Rohtak, Haryana. However, as far as the present case is concerned, the petitioner has already undergone more than 13 years of sentence. He has also been granted parole thrice which has not been misused. His conduct in jail for the last one year has also been shown to be satisfactory.
5. Taking into account the facts and circumstances of the case, let the petitioner be released on furlough for three weeks upon furnishing a personal bond of Rs. 10,000/- with one surety of the like amount to the satisfaction of the Learned Jail Superintendent subject to the verification of his address and subject to the condition that he shall surrender before the competent authorities on expiry of the furlough.



6. With the above directions, the petition is disposed of.
7. A copy of this order be sent to concerned Jail Superintendent for information and necessary compliance.

DINESH KUMAR SHARMA, J

NOVEMBER 11, 2024

Rb/smg