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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2705/2024**

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.....Petitioner

Through: Mr.Sharad Malhotra and Mr.Ayush
Rathor, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms.Nandita Rao, ASC for State with
Mr.Amit Peswani, Advocate with SI Parveen

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

25.11.2024

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1. By way of present petition, the petitioner seeks quashing of the order dated 08.07.2024 passed by DS-Legal, PHC, Delhi Prisons and grant of furlough for a period of three weeks in FIR No.248/2010 registered under Sections 365/376(2)(g)/506/34 IPC at P.S. Dhaula Kuan, Delhi.
2. Learned counsel for the petitioner submits that the impugned order is passed without taking into account that the petitioner has 03 Annual Good Conduct Reports in the last three years in terms of Rule 1223 of Delhi Prison Rules, 2018. He further submits that there are no other adverse circumstances against the petitioner.
3. Issue notice.
4. Learned ASC for the State accepts notice and, while opposing the present petition, submits that after being released on emergency parole in the year 2020, the petitioner was found involved in 3 other cases. He, however,



concedes that in the last three years, the petitioner's conduct has been found to be satisfactory and confirms that the petitioner has 03 Annual Good Conduct Reports.

5. At this stage, learned counsel for the petitioner submits that he is on bail in the aforesaid three cases. He further places reliance on decision of a Coordinate Bench of this Court in **W.P. (CRL) 21/2023** dated 21.02.2023, wherein, while referring to the decisions in Satender alias Gajender v. State (Govt. of Nct of Delhi) in **W.P.(CRL) 221/2022**, Rajkumar alias Bhola v. State (Govt. of Nct of Delhi) in **W.P.(CRL) 25/2023** and Asfaq v. State of Rajasthan reported as **(2017) 15 SCC 55**, the Coordinate Bench had granted furlough to the petitioner therein on similar facts.

6. Considering the aforesaid, the petition is allowed and the petitioner is directed to be released on furlough for a period of three weeks from the date of his release, subject to him furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the concerned Jail Superintendent/Duty J.M./concerned Court and subject to the following conditions:-

- i) The petitioner shall not leave the Delhi NCR without prior permission of the concerned Court;
- ii) At the time of furnishing personal bond, the petitioner would specify the mobile number, which he undertakes to keep operational during the period of his release;
- iii) In case of change of residential address or contact details, the petitioner shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
- iv) The petitioner shall not directly/indirectly try to get in



touch with the complainant or any other prosecution witnesses or tamper with the evidence;

v) The petitioner shall surrender upon expiry of the furlough period.

7. Petition is disposed of in the above terms.

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

MANOJ KUMAR OHRI, J

NOVEMBER 25, 2024

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