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

+ **W.P.(CRL) 2923/2024 & CRL.M.A. 28592/2024**

SUJEET KUMARPetitioner

Through: Mr. Sanjeev Kr. Baliyan,
Adv. (DHCLSC)

versus

STATE OF NCT OF DELHIRespondent

Through: Mr. Rahul Tyagi, ASC for
the State with SI Nivedita,
PS Naraina.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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17.12.2024

1. The present petition is filed, *inter alia*, praying as under :

- a. *Issue a writ or order in the nature of Certiorari quashing the furlough rejection order no. F.10(3740558)/CJ/LEGAL/ PHQ/2024/5035 dated 27.06.2024.*
- b. *Issue a writ or order in the nature of Mandamus directing the respondent to release the petitioner on furlough for a period of three weeks in FIR no. 158/2012, PS: Naraina, Delhi, Under Section: 376 IPC;*
- c. *Pass any other order or further orders, which this Hon'ble Court deems fit and proper in the interest of justice;*

2. The learned Additional Standing Counsel for the State has handed over the report prepared by the Probation Officer, Prison Welfare Services, Tihar Jail, Delhi.

3. The same is taken on record.

4. The report indicates that the petitioner has spent more than 10 years in custody.

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5. The petitioner had availed parole thrice in the year 2024 and he had complied with the conditions and surrendered on time.

6. The petitioner, being inside the jail, is working as a PWD sahayak and also in bakery, the earning of which he shares with his family.

7. The petitioner has a 70 year old father and also a 7 month old child. Positive response was also given by the neighbours who were enquired by the Probation Officer.

8. It is not disputed that the petitioner is otherwise entitled for grant of furlough subject to the other parameters and conditions as specified in Rule 1225(ii) of the Delhi Prison Rules, 2018, which requires satisfactory report of the Social Welfare / Probation Officer.

9. The report of the Probation Officer as noted above is satisfactory.

10. In the opinion of this Court, the benefit of furlough ought not to be denied to the petitioner.

11. In view of the above, the present petition is allowed and the petitioner is directed to be released on furlough for a period of three weeks in FIR No. 158/2012, on the following conditions:

- a. The petitioner shall furnish a personal bond in the sum of ₹10,000/- with one surety of the like amount, to the satisfaction of the Jail Superintendent;
- b. The petitioner shall provide his residential address, where he shall be residing after his release, to the concerned Jail Superintendent, and shall not change the same without



informing the concerned Jail Superintendent;

- c. The petitioner shall report to the SHO of the local area, once a week on every Sunday at 10:00 AM and shall not leave the National Capital Territory of Delhi during the period of furlough;
- d. The petitioner shall furnish his mobile number to the Jail Superintendent as well as to the SHO of the concerned Police Station on which he can be contacted if required. The said mobile number shall be kept active and operational at all times by the petitioner;
- e. The petitioner shall not indulge in any criminal activity during the period of furlough;
- f. The petitioner immediately upon the expiry of period of furlough, shall surrender before the concerned Jail Superintendent;
- g. During this period, co-accused, if any, shall not be released on parole/furlough;
- h. The period of furlough shall commence from the date of actual release of petitioner.

12. The present petition is allowed in the aforesaid terms.
Pending application(s) also stand disposed of.

AMIT MAHAJAN, J

DECEMBER 17, 2024
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