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

+ **W.P.(CRL) 3030/2024 & CRL.M.A. 29462/2024**

RAJ SINGH @ RAJU

.....Petitioner

Through: Mr. Rajesh Mahajan, Mr.
Ranjeeb Kamal Bora and
Ms. Jyoti Babbar, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Rahul Tyagi, ASC for
the State with Mr. Sangeet
Sibou, Mr. Jatin Khatri,
Mr. Mathew M. Philip,
Mr. Abhishek Tomar, Ms.
Priya Rai and Mr. Aniket
Kumar Singh, Advs. with
Insp. Suneel Siddhu, PS
Mangolpuri.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **16.10.2024**

1. The petitioner essentially seeks release on furlough.
2. The petitioner had filed an application on 03.07.2024, seeking his release on third spell of furlough for the current year of conviction.
3. The learned counsel for the petitioner submits that the application has not been processed since the surety, as provided in the application, has not been verified till date.
4. The learned Additional Standing Counsel (ASC) for the State submits that the surety resides in Sonipat, Haryana.
5. He submits that appropriate request has been sent to the

W.P.(CRL) 3030/2024

Page 1 of 3



counterparts in Haryana, however no reply has been received.

6. Rule 1213 (ix) & (x) and Rule 1226 (ix) & (x) of the Delhi Prison Rules, 2018, read as under :

1213. The following procedure would be followed while processing the application for parole and thereafter:-

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ix. In case a report from the concerned police station through the Deputy Commissioner of Police/Senior Superintendent of Police of the District is not received within two weeks, the Superintendent of the Jail shall forward a communication in writing to the Director General of Police of the State concerned for submission of the report within two weeks from the date of receipt of the said communication.

x. If no report is received by the Superintendent of Jail within the periods aforementioned, it shall be presumed that the concerned police authorities have no objection to parole being granted.

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1226. The following procedure would be followed while processing the application for furlough and thereafter:-

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ix. In case a report from the concerned police station through the Deputy Commissioner of Police/Senior Superintendent of Police of the District is not received within 10 days, the Superintendent of the Jail shall forward a communication in writing to the Director General of Police of the State concerned for submission of report within two weeks from the date of receipt of the said communication.

x. If no report is received by the Superintendent of Jail within the periods aforementioned, it shall be presumed that the concerned police authorities have no objection to furlough being granted.”

7. The rules specifically provide that if no reply is received within the time prescribed, it is to be presumed that the authorities have no objection.

8. On being pointedly asked, the learned ASC for the State submits that the surety provided by the petitioner is of his wife and the petitioner, on an earlier occasion, was also released on furlough on the same surety.

9. Considering the above, the present petition is allowed to



the extent that the responder authorities are directed to decide the application filed by the petitioner seeking furlough without insisting or waiting for the report from the Police Authorities in Haryana.

10. The respondent is also directed to pass the order within a period of two weeks from date.

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

AMIT MAHAJAN, J

OCTOBER 16, 2024

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