



\$~129

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

+ **W.P.(CRL) 3332/2024**

PANCHI@ PANCHPAL

.....Petitioner

Through: Mr. Anup Kr. Das & Mr.
Ashish Sareen, Advs.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Ms. Rupali
Bandhopadhyaya, ASC for
the State (Crl.) for the
State with Mr. Abhijeet
Kumar, Adv.
SI Raghuraj Singh, PS
Sangam Vihar.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

%

28.11.2024

CRL.M.A. 32050/2024 (exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(CRL) 3332/2024

3. The present petition has been filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) (Section 482 of the Code of Criminal Procedure 1973) seeking quashing of the order dated 09.10.2024 passed by the jail authorities and seeking grant of third spell of furlough to the petitioner for a period of twenty-one days.

4. The application filed by the petitioner seeking release on furlough was rejected by order dated 09.10.2024, noting the
W.P.(CRL) 3332/2024

Page 1 of 4



unsatisfactory conduct of the petitioner and multiple punishments that had been awarded to him in last three years.

5. The learned Additional Standing Counsel for the State submits that the application seeking furlough was rejected in terms of Rule 1223(i) of the Delhi Prison Rules, 2018. She submits that the petitioner has failed to maintain a good conduct as per three Annual Good Conduct Report (AGCR). She submits that petitioner had been punished on multiple occasions for violation of the Delhi Prison Rules, 2018 and the overall conduct was not satisfactory. She further submits that the furlough is an incentive which is given to a convict for maintaining a good conduct.

6. It is not disputed that this Court by order dated 02.11.2023 had directed the release of the petitioner on first spell of furlough for the said conviction year. The petitioner after being released on furlough has since surrendered. The conduct of the petitioner as noted by the respondent authorities to be not good relates to the period prior to the order passed by this Court. The said conduct which is alleged to be unsatisfactory has already been considered by this Court and the petitioner was directed to be released on furlough.

7. It is not the case of the respondent authorities that the conduct has been unsatisfactory after he surrendered pursuant to the order dated 02.11.2023 passed by this Court. The earlier conduct of the petitioner, thus in no manner can be a reason for rejecting the subsequent application seeking furlough.

8. The petitioner is otherwise entitled for release on first spell of furlough for the current conviction year.

9. In view of the above, the present application is allowed. The petitioner is directed to be released on third spell of furlough

W.P.(CRL) 3332/2024

Page 2 of 4



for the period of 14 days 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.

11. The present petition is allowed in the aforesaid terms.

12. A copy of this order be sent to the Jail Superintendent for
W.P.(CRL) 3332/2024

Page 3 of 4



information and necessary compliance.

AMIT MAHAJAN, J

NOVEMBER 28, 2024

“SK”