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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3391/2024**
AKASH @ BHOLA

.....Petitioner

Through: Mr. Siddharth Yadav, Advocate.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel for
State.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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19.11.2024

1. By way of the present petition, the petitioner seeks release on second spell of furlough for a period of two weeks.
2. Mr. Yadav, learned counsel for the petitioner submits that the petitioner was released on first spell of furlough on 26.04.2024 for a period of three weeks. He submits that on account of misconceived advice, he was late by three days in surrendering and for which a warning has been issued to him. Learned counsel for the petitioner has referred to Rule 1178 of Delhi Prison Rules, 2018 to contend that the warning issued could not be taken into account while considering Annual good conduct remission. He further submits that the impugned order rejecting the petitioner's representation refers to Standing Order No. 1/2019 but subsequently, another order was issued on 07.06.2019 under the signatures of Additional Inspector General of Prisons, Prison/ Headquarter, Tihar, New Delhi,



wherein it was clarified that in case the convict prisoner commits jail offence and only a warning is recorded against him, then he would be eligible for furlough. The warning issued to the convict cannot be treated as a substantive punishment. He submits that even earlier the petitioner was regularly released on parole/furlough, a concession which he has not misused.

3. The petition is resisted by the learned Standing Counsel who states that the petitioner has to earn three annual good conduct remissions to be eligible for furlough and on account of his late surrender, the prayer of the petitioner has been rightly rejected.

4. Having perused the Rule 1178 along with its explanation, the order dated 07.06.2019, the fact that only a warning has been issued to petitioner for late surrender, and even otherwise considering the explanation tendered by the petitioner, in the facts of the case, the petitioner is directed to be released on furlough for a period of two weeks, subject to him furnishing a personal bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/Trial Court/Judicial Magistrate/Link Judicial Magistrate subject to the following conditions:

- (i) Petitioner shall report to the SHO of the concerned police station once a week on every Monday during the period of furlough.
- (ii) Petitioner shall furnish his telephone number to the SHO of the concerned police station, which he will keep operational at all times.
- (iii) Petitioner shall surrender before the Jail Authorities at the expiry of the period of furlough.

5. Writ petition is disposed of in above terms.



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

MANOJ KUMAR OHRI, J

NOVEMBER 19, 2024/ssc