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

+ **W.P.(CRL) 3491/2024**

HARI SINGH

.....Petitioner

Through: Ms. Pallavi Sharma Kansal, Mr.
Saurabh Kansal, Mr. Manish Kumar,
Mr. Raghav, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Standing counsel for
State.
SI Sunil Kumar, ARSC/Crime Branch,
Shakarpur.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

28.11.2024

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1. The present petition has been filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, challenging the order dated 09.10.2024 vide which the application for grant of furlough was declined by the Competent Authority on the ground that as per Rule 1223(II), to be eligible to obtain furlough, the prisoner should not be a habitual offender. It was *inter-alia* stated the petitioner was cited as a habitual offender due to his convictions in two other cases. Further, both the police report and the social investigation report identified him as a history-sheater in the area and it was noted that granting furlough to the petitioner could have negative consequences for society, as it could provoke the sentiments of the victim and disturb the



peace and tranquility of the community

2. Learned counsel for the petitioner submits that the petitioner was previously Released on furlough from 23.12.2023 to 13.01.2024, and he was also granted parole on medical grounds by this Court in W.P.(CRL) 1881/2024, vide the order dated 05.07.2024. It has been submitted that these concessions were not misused by the petitioner.

3. The perusal of nominal roll indicates that the petitioner has already undergone custody of 13 years and 10 months and his conduct in the jail was satisfactory. The concession of parole and furlough earlier granted by this Court and by the Competent Authority has not been misused.

4. The status report has been filed by the learned Standing Counsel. However, the same is not on record. Let it be brought on record.

5. A copy of the same has been handed over in the court today and it indicates that the address of the petitioner is verified.

6. In view of the facts and circumstances, this Court is inclined to grant furlough to the present petitioner for a period of two weeks from the date of his release, on the following conditions:-

- a. The petitioner shall furnish 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.
- b. The petitioner shall report to the concerned police station of the local area once a week during the period of furlough.
- c. The petitioner shall furnish a telephone/mobile number to the Jail Superintendent as well as SHO of local police station, on which he can be contacted if required. The said telephone number shall be kept active by the petitioner.



- d. Immediately upon the expiry of period of furlough, the petitioner shall surrender before the concerned Jail Superintendent.
 - e. The period of furlough shall be counted from the day when the petitioner is released from jail.
7. With the above directions, the petition stands disposed of.
 8. Copy of the order be sent to the concerned Jail Superintendent for information and necessary compliance.

DINESH KUMAR SHARMA, J

NOVEMBER 28, 2024/akc/smg