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

+ **W.P.(CRL) 3768/2024**

SUNDER ALIAS RAJU

.....Petitioner

Through: Mr. Ajayinder Sangwan, Adv.
(DHCLSC)

versus

STATE GOVT. NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC for State
Insp. Kuldeep Singh, PS Kotwali

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **06.03.2025**

CRL.M.A. 4370/2025

1. The present application has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') seeking modification of order dated 02.12.2024, wherein the Petitioner has been directed to furnish one surety in the sum of Rs. 10,000/- (Rupees Ten Thousand only).
2. Learned ASC states that the Petitioner/convict's family comprises of his son, brother, sister and brother-in-law (sister's husband). He further states that the Petitioner's address at Village Tiwana, PS Bibi Nagar, Dist. Bulandshahar. U.P., has been verified and statement from the Pradhan of the Panchayat.
3. He states that the statement of the brother-in-law has also been recorded however, the brother-in-law has expressed his unwillingness to furnish surety.



4. He states as per the Nominal Roll, though Petitioner has been incarcerated for 12 years 08 months and 27 days as on 28.02.2025, he was only released twice on emergency parole, in the year 2020 and 2021 presumably because of the COVID-19 pandemic. He states that since it was an emergency parole he was released on his personal surety which was further extended from time to time till 06.04.2023. As per the Nominal Roll, the Petitioner surrendered on 08.04.2023 due to administrative reasons and punishment dismissed by SCJ-02.

5. Learned counsel for the Petitioner states that due to long incarceration, the Petitioner's ties with his family have been strained and his son and his brother-in-law are unwilling to furnish surety.

6. Keeping in view the fact that the Petitioner has not been out on parole or furlough since 08.04.2023, this Court is of the opinion that the Petitioner is entitled to furlough for a period of three (3) weeks on furnishing personal bond and cash surety of Rs. 10,000/- (Rupees Ten Thousand only) to the satisfaction of the jail superintendent on the conditions set out herein:

- i. The Petitioner will remain at his residence during the period of his release on furlough and his ordinary place of residence shall be Village Tiwana, PS Bibi Nagar, Dist. Bulandshahar. U.P.
- ii. The Petitioner shall report on every Monday at 10:00 am to the Police Station under which the ordinary place of residence falls, during the period of his release on furlough. The Petitioner will not be kept waiting at the station beyond one hour.
- iii. The Petitioner will surrender to the Superintendent, Jail on the expiry of his period of release on furlough.
- iv. The Petitioner shall maintain peace and good behavior during his



period of release on furlough.

- v. The Petitioner shall not communicate with or come in contact with the complainant/victim or any member of the complainant/victim's family.
7. Accordingly, the application stands disposed of.
8. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
9. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

MARCH 6, 2025/hp/akp

[Click here to check corrigendum, if any](#)