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

+ **W.P.(CRL) 3754/2024**

GUDDU

.....Petitioner

Through: Ms.Tara Narula, Ms.Shivangi Sharma,
Ms.Shuranjali B. And Mr.Harshardhan Jain,
Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr.Amol Sinha, ASC for State with
Insp. Suneel Siddhu

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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02.12.2024

1. By way of present petition, the petitioner seeks quashing of the order dated 16.10.2024 passed by DS-Legal, PHQ, Delhi Prisons and grant of 2nd spell of furlough for a period of two weeks in FIR No.240/1998 registered under Sections 302/394/397 IPC at P.S. Mangolpuri, Delhi.
2. Learned counsel for the petitioner submits that the petitioner was earlier released on his first spell of furlough by this Court vide judgment dated 25.04.2024 in W.P.(CRL) 2231/2023 (later modified vide order dated 05.07.2024).
3. A perusal of the impugned order would reflect that the petitioner's application dated 27.09.2024 came to be rejected as he was released on interim bail on 18.03.2003 and was re-arrested in another case on 13.01.2009. Further, a perusal of the aforesaid judgment dated 25.04.2024 would show that while releasing the petitioner on furlough, this Court



considered the aforesaid aspect of him being re-arrested after a period of 6 years as well as his overall jail conduct. It was also noted that the last punishment awarded to the petitioner was in the year 2019.

4. The petition is accompanied by the nominal roll of the petitioner dated 25.10.2024 which also indicates the last punishment being of the year 2019. The petitioner's jail conduct, based on three Annual Good Conduct Reports in terms of Rule 1223(i) of Delhi Prison Rules, 2018, in the last three years has been reported to be satisfactory. Pertinently, the reason for denying the petitioner's release during the second spell of furlough is the same as of the first one. The impugned order fails to take into account the detailed order by which the petitioner was directed to be released on his first spell of furlough.

4. Considering the aforesaid, the petition is allowed and the petitioner is directed to be released on furlough for a period of two weeks from the date of his release, subject to his furnishing a personal bond in the sum of Rs.5,000/- to the satisfaction of the concerned Jail Superintendent/Duty J.M./link J.M./concerned Court and subject to the following conditions:-

- i) The petitioner shall not leave the Delhi NCR without prior permission of the concerned Court;
- ii) At the time of furnishing personal bond, the petitioner would specify the mobile number, which he undertakes to keep operational during the period of his release;
- iii) In case of change of residential address or contact details, the petitioner shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
- iv) The petitioner shall not directly/indirectly try to get in



touch with the complainant or any other prosecution witnesses or tamper with the evidence;

v) The petitioner shall surrender upon expiry of the furlough period.

5. The petition stands disposed of in the above terms.

6. Copy of the order be communicated to the concerned Jail Superintendent for information and necessary compliance as well as to ensure that the orders passed by this Court are taken into account while considering the application for parole/furlough.

MANOJ KUMAR OHRI, J

DECEMBER 2, 2024

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