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

+ **W.P.(CRL) 3996/2024**

CHAND

.....Petitioner

Through: Mr. Gautam Khazanchi and Mr.
Vinayak Chawla, Advocates
(DHCLSC)

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel
with Mr. Priyam Aggarwal and Mr.
Abhinav Kuamr Arya, Advocates for
State

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

23.12.2024

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1. The present petition has been filed seeking the following relief:
 - a. *Issue a writ in the nature of Certiorari quashing of order no. F. 10 (3731059/1224)/CJ/Legal/ 2024/6708 dated 30.09.2024;*
 - b. *Issue a writ in the nature of Mandamus directing the respondent to release the petitioner on 2nd spell of furlough for a period of two weeks on furnishing of cash surety of Rs. 10,000/- before the Jail Superintendent instead of furnishing of one surety bond in the sum of Rs. 10,000/- alongwith personal bond to the satisfaction of Jail Superintendent in FIR No.: 113/2016, PS: AMAN VIHAR, Delhi, U/s: 506/34 IPC & 6 POCSO Act;*
2. Mr. Vinayak Chawla, learned counsel appearing on behalf of the



petitioner submits that the petitioner applied for second spell of furlough and the same was granted by the competent authority *vide* order dated 30.09.2024 subject to the condition that petitioner shall furnish one surety bond in the sum of Rs. 10,000/- along with personal bond of the like amount.

3. He submits that subsequently the petitioner filed an application before the competent authority seeking modification of the conditions and for his release on furnishing of cash surety instead of the surety bond in the sum of Rs. 10,000/-.

4. Mr. Chawla submits that the competent authority rejected the application seeking furlough of the petitioner *vide* rejection order No. F.10(3731059)/CJ/Legal/PHO/2024/8558 dated 28.11.2024.

5. He submits that in June, 2024 also, the petitioner was granted first furlough from 14.06.2024 to 06.07.2024, however, at that time the surety was furnished by the real brother of the petitioner. He submits that the brother of the petitioner works in Mumbai and it is not feasible for him to furnish the surety.

6. Notice was issued by this Court *vide* order dated 20.12.2024 with a direction to the State to file the status report. The status report has been handed over in Court, the same is taken on record. A perusal of the status report shows that the address of the petitioner has been verified.

7. Considering the fact that the petitioner was granted benefit of furlough by the competent authority *vide* order dated 30.09.2024 and he has not been able to avail the said benefit only on account of non-availability of a surety and further keeping in view the fact that when the petitioner was granted furlough on an earlier occasion, he did not misuse the liberty, this



Court is of the view that the present petition deserves to be allowed.

8. Accordingly, it is directed that the petitioner be released on second spell of furlough subject to his furnishing cash surety of Rs. 10,000/- instead of surety bond as mentioned by the competent authority in its order dated 30.09.2024. However, all other conditions mentioned in the said order shall remain unaltered.

9. The petition is disposed of in the above terms.

VIKAS MAHAJAN, J

DECEMBER 23, 2024

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