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

+ **W.P.(CRL) 89/2025**

FAISAL ALIAS SIBHU S/O SHARAFATPetitioner

Through: **Mr. Aman Panwar, Mr. Anuj
Sehrawat, Advs.**

versus

STATE OF NCT OF DELHIRespondent

Through: **Mr. Sanjay Lao, SC with Mr.
Abhinav Arya, Ms. Priyam Agarwal,
Mr. Aryan Sachdeva, Advs. with SI
Suresh Kumar Meena, PS New
Usman Pur**

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

11.03.2025

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1. This is a petition seeking issuance of certiorari for quashing of the order Reference No. F.10(003570331)/CJ/LEGAL/PHQ/2024/8345 dated 23.11.2024 passed by the DG Prisons and issuance of mandamus for directing the respondent to release the petitioner on the first spell of furlough of three weeks.
2. It is stated that the petitioner was convicted under Sections 302 and 34 of IPC and was sentenced with a rigorous imprisonment for life *vide* the judgment/order dated 03.03.2015 passed by the learned ASJ, Karkardooma Court, Delhi.
3. As per the impugned order, the application for grant of furlough to the petitioner was rejected because a fresh criminal case bearing FIR No.818/2021 was registered against him during release on emergency parole.
4. As per the Nominal Roll dated 03.03.2025, the petitioner has already



undergone 13 years 11 months 9 days of incarceration and has a remission of 2 years 6 months 18 days. Further, the petitioner has 3 FIRs registered against him, the details are as follows:

FIR	Sections	Police Station	Status
718/2021	25, 54 and 59 of Arms Act	Khajuri Khas	Acquitted
49/2008	302, 201 and 34 of IPC	Khajuri Khas	Acquitted
818/2021	379 and 411 of IPC	Loni, Ghaziabad (UP)	On Bail

5. As per Column 18 of the Nominal Roll, the overall jail conduct of the petitioner has been unsatisfactory due to punishments dated 03.05.2015, 11.03.2016 and 18.10.2021.
6. However, the punishment dated 18.10.2021 with regard to FIR No.818/2021 has been waived off by the learned District and Sessions Judge, Tis Hazari Courts and hence the last punishment of the petitioner was of 11.03.2016.
7. My attention has been drawn to Rule 1223 of Delhi Prisons Rule, 2018 which reads as under:

“1223 . In order to be eligible to obtain furlough, the prisoner must fulfill the following criteria: -

I. Good conduct in the prison and should have earned rewards in last 3 Annual good conduct report and continues to maintain good conduct.

II. The prisoner should not be a habitual offender.

III. The prisoner should be a citizen of India.”



8. Hence, I am of the view that since there is no punishment of the petitioner after 11.03.2016, the conduct of the petitioner will be considered as satisfactory conduct for the last 8 years.
9. The Hon'ble Supreme Court in the case of ***Atbir v. State of NCT of Delhi, (2022) 13 SCC 96*** while relying on ***Asfaq v. State of Rajasthan & Ors., (2017) 15 SCC 55*** inter alia held as under:-

“18. The principles relating to different provisions dealing with the matter of release of a prisoner by way of bail, furlough and parole have been considered and the distinction has been explained by this Court in several of its decisions. We need not multiply on the authorities but, relevant it would be to take note of the observations and enunciations by this Court in Asfaq [Asfaq v. State of Rajasthan, (2017) 15 SCC 55 : (2018) 1 SCC (Cri) 390] , where it was observed, inter alia, as under : (SCC pp. 60-62, paras 11 & 14-16)

“15. A convict, literally speaking, must remain in jail for the period of sentence or for rest of his life in case he is a life convict. It is in this context that his release from jail for a short period has to be considered as an opportunity afforded to him not only to solve his personal and family problems but also to maintain his links with society. Convicts too must breathe fresh air for at least some time provided they maintain good conduct consistently during incarceration and show a tendency to reform themselves and become good citizens. Thus, redemption and rehabilitation of such prisoners for good of societies



must receive due weightage while they are undergoing sentence of imprisonment.”

10. This Court cannot overlook the circumstances and the family exigencies that may have arisen in the family of the petitioner due to prolonged incarceration of the petitioner. While dealing with an issue relating to grant of furlough to a convict, the Courts are required to balance the interests of convict as well as of the society.
11. For the said reasons, the petition is allowed and the petitioner is granted furlough for a period of 3 weeks from the date of his release to maintain social ties with the family on the following terms and conditions:
 - a) The petitioner shall furnish a personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand Only) with 01 local surety in the like amount, to the satisfaction of the Jail Superintendent;
 - b) The petitioner shall furnish his cellphone number to the concerned Investigating Officer ('IO'). on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
 - c) The petitioner shall not leave the country without the permission of the concerned court and if the petitioner has a passport, he shall surrender the same to the concerned trial court;
 - d) The petitioner will furnish his permanent address to the IO and in case he changes his address, he will inform the IO concerned;



- e) The petitioner shall not indulge in any act or omission that is unlawful or that would prejudice the proceedings in pending cases, if any.
 - f) The petitioner shall not indulge in any act or omission that is unlawful during the period of furlough;
 - g) The petitioner shall surrender the expiry of 3 weeks of furlough.
12. The petition is disposed of accordingly.

JASMEET SINGH, J

MARCH 11, 2025/DM

Click here to check corrigendum, if any