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

+ **W.P.(CRL) 91/2025**

RAJA RAM

.....Petitioner

Through: **Mr. Siddharth Yadav, Adv.**

versus

STATE (NCT OF DELHI)

.....Respondent

Through: **Mr. Rahul Tyagi, ASC (Crl.)**

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

14.02.2025

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1. The instant petition under Article 226 of the Constitution of India read with Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (hereafter 'BNSS') has been filed on behalf of the petitioner seeking the following reliefs:

a) Issue a writ in the nature of Certiorari quashing order bearing no. F.1 0(003481420)/CJ/Legal/PHQ/2024/M-1564 dated 24.12.2024 passed by the respondent;

b) Issue a writ in the nature of Mandamus granting first spell of furlough for a period of three (3) weeks to the petitioner in FIR No. 1823/2006, U/S 302/364/201 IPC, P.S. Sultanpuri;

2. The learned counsel appearing on behalf of the petitioner states that the petitioner herein was convicted in case bearing FIR No. 1823/2006, for offences punishable under Sections 302/364/201 of the Indian Penal Code, 1860 (hereafter 'IPC') registered at Police Station Sultan Puri, Delhi.

3. It is submitted by the learned counsel appearing for the petitioner that



the petitioner is a law-abiding citizen and has been in judicial custody for more than 16 years. It has been pointed out that the petitioner has been granted furlough on 15 occasions in the past. Therefore, the petitioner also be granted furlough.

4. *Per Contra*, the learned ASC appearing on behalf of the State argues the petitioner has not abided by the law and has drawn the attention of this Court to the period of three (03) weeks furlough granted to the petitioner from 30.06.2023 to 22.07.2023 wherein, the petitioner had surrendered 08 days late. Therefore, he prays that the present petition be dismissed.

5. This Court has heard arguments addressed on behalf of both parties and have perused the material available on record.

6. In the case the petitioner seeks for setting aside order dated 24.12.2024 passed by the Jail Superintendent, Central Jail No.2, Tihar, Delhi *vide* which is application for grant of furlough has been rejected. The said order read as under:

I. That he was released on 03 weeks furlough w.e.f. 30.06.2023 to 21.07.2023 and but he was granted stay from surrendering by the Hon'ble Apex Court. Further, the Hon'ble Apex court has dismissed the petition of the convict on 01.10.2024 and directed to surrender but he surrendered late by 08 days on 09.10.2024. A punishment was recorded against him for late surrender.

II. As per Standing Order 01/20191 if the convict happens to commit jail offence (jumped Parole/Furlough) and a punishment of warning has been recorded against him, he shall be eligible for furlough after a gap of one year from the date of punishment.

III. As his overall conduct found to be unsatisfactory and furlough is purely an Incentive for maintaining good conduct, therefore, his request for furlough cannot be acceded to.

7. The nominal roll has been called. As per the nominal roll the petitioner herein has been granted furlough on 15 occasions in the past. He



has been in judicial custody for more than 16 years and his overall conduct is satisfactory. It is also to be noted that while a punishment was awarded to him vide order dated 25.11.2024 for non-surrendering on time, it has not been approved by the concerned Inspecting Judge Central Jail-II, Tihar vide order dated 04.01.2025.

8. The attention of this Court, has also been drawn to Rules no. 1197 and 1200 of the Delhi Prison Rules, 2018. The said rules read as under:

"1197. Parole and Furlough to inmates are progressive measures of correctional services. The release of prisoner on parole not only saves him from the evils of incarceration but also enables him to maintain social relations with his family and community. It also helps him to maintain and develop a sense of self-confidence. Continued contacts with family and the community sustain in him a hope for life. The release of prisoner on furlough motivates him to maintain good conduct and remain disciplined in the prison.

1200. The objectives of releasing a prisoner on parole and furlough are:

- i. To enable the inmate to maintain continuity with his family life and deal with familial and social matters,
- ii. To enable him to maintain and develop his self- confidence,
- iii. To enable him to develop constructive hope and active interest in life,
- iv. To help him remain in touch with the developments in the outside world,
- v. To help him remain physiologically and psychologically healthy,
- vi. To enable him to overcome/recover from the stress and evil effects of incarceration, and
- vii. To motivate him to maintain good conduct and discipline in the prison..."

9. It is evident that Rule 1197 and 1200 provide that the provision of furlough and parole are progressive and correctional measures, and lay down the objectives of furlough and parole. This Court has also gone through Rule



1223 of Delhi Prison Rules, 2018 which provides criteria for grant of furlough. The said rule reads as under:

"1223. In order to be eligible to obtain furlough, the prisoner must fulfil 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."

10. The order *vide* which the application for grant of furlough has been rejected mentions that the petitioner herein had surrendered eight days late. Considering that his overall conduct otherwise has been satisfactory in the last 16 years and he has not misused the liberty so granted.

11. This Court notes that the petitioner has been in custody for more than 16 years. Thus, considering the overall facts and circumstances of the case this Court is inclined to grant furlough to the present petitioner for a period of three (03) weeks, on the following conditions:

- (i) 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 Jail Superintendent.
- (ii) The petitioner shall report to the SHO of the local area once a week on every Sunday between 10:00 AM to 11:00 AM during the period of furlough.
- (iii) 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 and operational at all the times by the petitioner.
- (iv) Immediately upon the expiry of period of furlough, the petitioner shall surrender before the Jail Superintendent.
- (v) The period of furlough shall be counted from the day when the petitioner is released from jail.



12. The application stands disposed of.
13. The order be uploaded on the website forthwith.

FEBRUARY 14, 2025/A

SWARANA KANTA SHARMA, J

Click here to check corrigendum, if any