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

+ **W.P.(CRL) 159/2025**

RAMANJEET SINGH

.....Petitioner

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

versus

STATE (NCT OF DELHI)

.....Respondent

Through: **Mr. Sanjay Lao, Standing Counsel for
State with SI Amit Kumar, PS:
Swaroop Nagar**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **07.03.2025**

CRL.M.A. 1280/2025 (for exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present petition has been filed under Article 226 of the Constitution of India read with Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS) impugning the order dated 02.01.2025 passed by the Competent Authority declining the Petitioner's application for grant of 2nd spell of furlough of two (2) weeks to the Petitioner in FIR No. 24/2012 registered under Sections 302/326/34 of the Indian Penal Code, 1860 (IPC) at Police Station (P.S.) Swaroop Nagar.
4. Learned counsel for the Petitioner states that the impugned order dated 02.01.2025 refers to the offence of the Petitioner being re-arrested on 03.02.2017 during interim bail in another FIR No. 28/2017 registered under Sections 323/452/341 of IPC at PS Swaroop Nagar as the sole ground for declining the 2nd spell of furlough of two (2) weeks.



4.1 He states that the Petitioner was granted 1st spell of furlough by this Court vide order dated 11.09.2024 in WP(CRL) 2698/2023 and he duly surrendered thereafter. He states that the said order was not considered by the Competent Authority while passing the order dated 02.01.2025.

4.2 He states that notice in the present petition was issued on 17.01.2025 and this Court on the next date of hearing i.e., 13.02.2025, on the submission of the standing counsel for the State adjourned the matter to enable the Competent Authority to reconsider the application of the Petitioner for grant of 2nd spell of furlough.

4.3 He states that thereafter, the application of the Petitioner for grant of 2nd spell of furlough of two (2) weeks dated 21.02.2025 was considered by the Competent Authority and the same was rejected vide the order dated 28.02.2025 again on the same ground that Petitioner while on interim bail was re-arrested 03.02.2017 in another FIR No. 28/2017.

4.4 He states that the reason for declining the application of the Petitioner by the Competent Authority have already been considered and rejected by this Court in order dated 11.09.2024 passed in WP(CRL) 2698/2023.

4.5 He states that the other FIR No. 28/2017 in which the Petitioner was arrested has already been compounded on 10.08.2020.

5. Learned standing counsel states that it is a matter of record that the after the passing of the impugned order dated 02.01.2025 passed by the Competent Authority, this Court in WP(CRL) 2698/2023 vide order dated 11.09.2024 has granted 1st spell of furlough of three (3) weeks.

5.1. He does not dispute that FIR No. 28/2017 has been compounded.

6. This Court has considered the submissions of the learned counsels for the parties and perused the record.



7. The Competent Authority in the impugned order while declining the relief sought by the Petitioner for grant of 2nd spell of furlough of two (2) weeks has only placed reliance on the re-arrest of the Petitioner in FIR No. 28/2017 while he was on interim bail. The said FIR No. 28/2017 has already been compounded and as per Section 320(8) Cr.P.C. and the effect of said compounding is that the accused has been acquitted. Therefore, the order of the Competent Authority relying upon registration of FIR No. 28/2017 for declining the application for grant of 2nd spell of furlough of two (2) weeks of the Petitioner is erroneous.

8. In view of the aforesaid facts, this Court is satisfied that Petitioner is entitled to grant 2nd spell of furlough for two (2) weeks from the date of release subject to furnishing a personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand only) with one (1) surety of the like amount to the satisfaction of the Jail Superintendent subject to the following conditions: -

- i. During the period the Petitioner remains out on furlough, the Petitioner shall report to the SHO, PS Swaroop Nagar, every Monday at 11:00 A.M., and will not be kept waiting for more than an hour.
- ii. The Petitioner shall also provide the Jail Superintendent and SHO, PS Swaroop Nagar, with mobile telephone number, which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the SHO concerned.
- iii. The Petitioner shall not leave the National Capital Territory of Delhi during the period of furlough, without the prior permission of this Court.



iv. The Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the complainant/victim or any member of the complainant/victim's family.

v. The Petitioner is directed to surrender before the jail authorities at the expiry of the period of furlough.

9. Further in view of the fact the FIR No. 28/2017 has been compounded and the effect of acquittal as per Section 320(8) Cr.P.C. has come into effect. Thus, the registration of the said FIR cannot form the basis for denying the furlough/parole to the Petitioner. The Competent Authority shall bear in mind this observation while deciding the application for parole and/or furlough of this Petitioner.

10. Accordingly, the petition is disposed of. Pending applications (if any) are also disposed of as being rendered infructuous.

11. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

12. 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 7, 2025/rhc/sk