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

+ **W.P.(CRL) 158/2025**

VIRENDER SINGH

.....Petitioner

Through: **Ms. Inderjeet Sidhu, Advocate.**
versus

STATE OF NCT OF DELHI

.....Respondent

Through: **Mr. Rahul Tyagi, ASC (Crl.) with Mr. Mathew M. Philip, Mr. Sangeet Sibou and Mr. Aniket Kumar Singh, Advocates.**

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

31.01.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarika Suraksha Sanhita, 2023 (for short, 'BNSS') has been filed seeking the following prayers: -

“a. Issue a writ in the nature of Mandamus directing the respondent to release the petitioner on furlough for a period of three (03) weeks in FIR No. 421/1984, PS: DELHI CANTT., U/s 302/147/148/149/395/396 IPC;

b. Pass any other order or further orders, which this Hon'ble Court deems fit and proper on the facts and in the interest of justice.”

3. Learned counsel appearing on behalf of the petitioner submits that the latter had filed an application for grant of furlough before the competent authority, however, the same was rejected *vide* order U.No. .10(3475525)/CJ/Legal/2024/M-1506 dated 20.12.2024. The said order reads as under: -



“This is in reference to the 1st spell of furlough for three weeks of the convict Virender Singh S/o Rajdev Singh.

In this regard, it is to mention here that the application of the convict Virender Singh S/o Raj Dev Singh received in Legal Branch (PHQ) on 06.11.2024. The same was placed before the Competent Authority. In the mean time it has come to the notice that convict had surrendered late by six days. This fact was not mentioned anywhere In the Nominal Roll by CJ-3. We gathered information from PMS that convict surrendered late despite Supreme Court to surrender immediately and therefore the file was re-put-up for cancellation of his furlough.

Now I am directed to convey the direction of Competent Authority which read as under:- " Furlough cancelled, Superintendent Central Jail, to submit a comprehensive report on his conduct and also why all incorrect facts were put-up earlier".

You are requested to submit your explanation in 3 days time for placing the same before the D.G. (Prisons) for his perusal and orders.”

4. She further submits that the main ground for rejecting the said application was delay in surrender. She has placed reliance on the orders dated 10.02.2023 and 09.05.2022 passed by Coordinate Benches of this Court in **W.P.(CRL) 25/2023, titled as “Rajkumar Alias Bhola v. State (Govt Of NCT Of Delhi)”** and **W.P.(CRL) 221/2022, titled as “Satender Alias Gajender v. State (Govt. Of NCT Of Delhi)”** respectively to submit that furlough can be granted if there is an inadvertent delay in surrendering.

5. It is further submitted that the petitioner was released on furlough for a period of 2 weeks w.e.f. 08.07.2024 to 23.07.2024 and the same was extended from time to time in pursuance of the directions given by the Hon’ble Supreme Court. However, the Hon’ble Supreme Court had, thereafter, directed him to surrender on 10.09.2024. But the petitioner was not informed in time regarding the same, due to which he surrendered after a delay of 6 days. It is the case of the petitioner that the said delay in surrendering was



inadvertent.

6. *Per contra*, learned Additional Standing Counsel for the State has opposed the present petition as the petitioner has surrendered after a delay of 6 days despite the directions given by the Hon'ble Supreme Court and has thus, become ineligible for grant of further relief of furlough.

7. Heard learned counsel for the parties and perused the record.

8. Perusal of the nominal roll dated 28.01.2025 shows that the present petitioner, as on 26.01.2025, has undergone incarceration for more than 16 years. It further shows that he was released on parole and furlough on earlier occasions and he has not misused the liberty granted to him and has duly surrendered after the expiry of the same.

9. In the totality of the facts and circumstances of the case, the present petition is allowed and the petitioner is directed to be released on furlough for a period of 3 weeks, from the date of his release, on his furnishing a personal bond of Rs. 10,000/- along with one surety of the like amount to the satisfaction of the concerned Jail Superintendent, further subject to following conditions: -

- i. The memo of parties shows that the petitioner is residing at H. No. 11-B, Rana Ji Enclave, Nangli Dairy, Near Vandana Carpet Factory, Najafgarh, Delhi. In case of any change of address, the petitioner is directed to inform the concerned Jail Superintendent and Investigating Officer.
- ii. The petitioner shall report to the SHO, P.S. Najafgarh on every Sunday between 10:00 AM to 11:00 AM during the period of furlough and the concerned Officer shall release him after completion of necessary formalities.



- iii. The petitioner shall furnish a telephone/mobile number to the Jail Superintendent as well as SHO of PS Najafgarh, 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. 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 or tamper with the evidence of the case.
- v. The petitioner is directed to surrender before the jail authorities after the expiry of the period of furlough.
- 10. The petition is allowed and disposed of accordingly.
- 11. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
- 12. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

JANUARY 31, 2025

Click here to check corrigendum, if any