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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 203/2025
HARDAYAL SINGHPetitioner
Through: Advocate (appearance not given)

versus

THE STATE NCT OF DELHIRespondent
Through: Mr. Yasir Rauf Ansari, ASC for the State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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11.03.2025

1. The Petition under Article 226 of the Constitution of India read with Section 528 BNSS has been filed for first spell of furlough for three weeks.
2. It is submitted by the Petitioner that has been confined in Central Jail No. 14, Mandoli and has already undergone incarceration of about 18 years and 2 months in actual without remission out of sentence of imprisonment for life & fine. His application for 1st spell of furlough filed for maintaining social ties was filed on 27.11.2024 and has been dismissed *vide* Order dated 24.12.2024 on the ground of delay in surrender by 8 days on 09.10.2024 because of which a punishment was recorded on this account against him.
3. It is further submitted that he has no one in the family to stand as a surety for him and on earlier occasions as well he had been released on cash surety.
4. Considering the submissions, Petitioner be released on cash surety subject to verification by the Jail Superintendent.
5. Learned ASC submits that the appropriate Orders in accordance with law may be passed.
6. Status Report filed be taken on record.



7. **Submissions Heard and record perused.**

8. In the present case, the Petitioner seeks setting aside of order dated 24.12.2024 of the Jail Authorities, which reads as under: -

“(i) he was released on furlough for 3 weeks w.e.f. 28.02.2024 to 20.03.2024 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/warning was recorded against him for late surrender.

*(ii) as per Standing Order 01 /2019, 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.”

9. Reference may be made to Order dated 07.06.2019 *vide* which the Standing Order No. 01/2019 was modified to the extent that in case a warning is issued to a convict, he shall be eligible for Furlough.

10. In the present case, the Petitioner was awarded a punishment of warning as has also been recorded in the order dismissing his application for furlough on 24.12.2024. However, the same cannot be taken into account while dismissing application for grant of Furlough.

11. Thus, considering the overall facts and circumstances of the case, and that the Petitioner has already been granted Furlough for three weeks on previous occasion and has been in judicial custody for the past more than 18 years and 2 months, the Petitioner is granted furlough for a period of three



weeks which is to be counted from the date of his release, on the following conditions: -

- i. The petitioner shall furnish a cash surety in the sum of Rs.10,000/- 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.
12. In view of the above, the present petition stands disposed of.
13. A copy of this judgment be forwarded to the concerned Jail Superintendent for information and compliance.

NEENA BANSAL KRISHNA, J

MARCH 11, 2025/rk