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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 206/2025

VINOD KUMAR

.....Petitioner

Through: Mr. Archit Upadhayay, Adv.
(DHCLSC)

versus

STATE

.....Respondent

Through: Ms. Rupali Bandopadhyaya, ASC with
Mr. Abhijeet Kumar, Adv.
Inspector Rahul, PS Vasant Vihar

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

11.02.2025

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1. This is a petition filed under Article 226 of the Constitution of India seeking release of the petitioner on 1st spell of furlough (wrongly mentioned as 3rd spell of furlough in the petition) for a period of 3 weeks.
2. It is stated that the petitioner had filed an application on 21.11.2024 for his release on furlough but the same has not been decided yet.
3. As per the status report, it is stated that the petitioner's wife and children are not residing at F-221, Jatav Mohalla, Maidan Garhi, New Delhi but are residing at House No. 10, Khedewala Mohalla, behind Shiv Mandir, Gali No. 3, Fateh Pur, Billoch, Ballabhgarh, Faridabad, Haryana from the last two years.
4. As per the Nominal Roll, the petitioner is a life convict for offences under sections 302 and 120B of IPC and has already undergone 20 years 7 months 8 days of incarceration.
5. The Hon'ble Supreme Court in *Atbir v. State (NCT of Delhi)*, (2022)



13 SCC 96 while relying on *Asfaq v. State of Rajasthan, (2017) 15 SCC 55* observed 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)

“11. There is a subtle distinction between parole and furlough. A parole can be defined as conditional release of prisoners i.e. an early release of a prisoner, conditional on good behaviour and regular reporting to the authorities for a set period of time. It can also be defined as a form of conditional pardon by which the convict is released before the expiration of his term. Thus, the parole is granted for good behaviour on the condition that parolee regularly reports to a supervising officer for a specified period. Such a release of the prisoner on parole can also be temporarily on some basic grounds. In that eventuality, it is to be treated as mere suspension of the sentence for time being, keeping the quantum of sentence intact. Release on parole is designed to afford some relief to the prisoners in certain specified exigencies. ...



14. Furlough, on the other hand, is a brief release from prison. It is conditional and is given in case of long-term imprisonment. The period of sentence spent on furlough by the prisoners need not be undergone by him as is done in the case of parole. Furlough is granted as a good conduct remission.

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.

16. This Court, through various pronouncements, has laid down the differences between parole and furlough, few of which are as under:

- (i) Both parole and furlough are conditional release.*
- (ii) Parole can be granted in case of short-term imprisonment whereas in furlough it is granted in case of long-term imprisonment.*
- (iii) Duration of parole extends to one month whereas in the case of furlough it extends to fourteen days maximum.*



(iv) Parole is granted by the Divisional Commissioner and furlough is granted by the Deputy Inspector General of Prisons.

(v) For parole, specific reason is required, whereas furlough is meant for breaking the monotony of imprisonment.

(vi) The term of imprisonment is not included in the computation of the term of parole, whereas it is vice versa in furlough.

(vii) Parole can be granted number of times whereas there is limitation in the case of furlough.

(viii) Since furlough is not granted for any particular reason, it can be denied in the interest of the society.

(See State of Maharashtra v. Suresh Pandurang Darvakar [State of Maharashtra v. Suresh Pandurang Darvakar, (2006) 4 SCC 776 : (2006) 2 SCC (Cri) 411] and State of Haryana v. Mohinder Singh [State of Haryana v. Mohinder Singh, (2000) 3 SCC 394 : 2000 SCC (Cri) 645] .)”

6. I am of the view that furlough would help to maintain social and family connections and the apprehension of the respondent regarding non availability of his permanent address is addressed as the petitioner has already given the address in the Memo of Parties as House No. 10, Khedewala Mohalla, behind Shiv Mandir, Gali No. 3, Fateh Pur, Billoch, Ballabgarh, Faridabad, Haryana.
7. For the said reasons, the petition is allowed and the petitioner is granted 1st spell of furlough for a period of 3 weeks from the date of his release subject to 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 as well as the cellphone number of his wife 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 will furnish his permanent address to the IO and in case he changes his address, he will inform the IO concerned;
 - d) The petitioner shall not indulge in any act or omission that is unlawful or that would prejudice the proceedings in pending cases, if any;
 - e) 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;
 - 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.
8. A copy of this order be communicated electronically to the concerned Jail Superintendent for information and necessary compliance.
 9. The petition stands disposed of in the aforesaid terms.

JASMEET SINGH, J

FEBRUARY 11, 2025/sp *Click here to check corrigendum, if any*