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

+ **W.P.(CRL) 225/2025**

SURENDER KUMARPetitioner

Through: Mr. Siddharth Yadav,
Adv.

versus

STATE (NCT OF DELHI)Respondent

Through: Mr. Yasir Rauf Ansari,
ASC for the State with Mr.
Alok Sharma, Adv. with
Insp. S. Ram, PS Vasant
Vihar.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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26.03.2025

1. The present petition is filed, *inter alia*, praying as under :
 - a) *Issue a writ in the nature of Certiorari quashing order bearing No. F.10(003476483)/CJ/Legal/PHQ/2024/M-1657 dated 27/12/2024 passed by the respondent;*
 - b) *Issue a writ in the nature of Mandamus granting first (1st) spell of furlough for a period of three (3) weeks to the petitioner in FIR NO. 20/2005, P.S. Vasant Vihar, U/s 302/498A IPC;*
 - c) *Pass such further order(s) as this Hon'ble Court deems fit and proper.*
2. The application seeking furlough was rejected by the respondent authorities on the ground that the petitioner, on an earlier occasion while on parole, had not surrendered on time for which the punishment ticket was also issued.
3. The learned counsel for the petitioner submits that the parole granted to the petitioner was extended from time to time by orders passed by the Hon'ble Supreme Court.
4. He submits that there was some miscommunication and

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the date of surrender could not be communicated by the learned counsel who was representing the petitioner before the Hon'ble Supreme Court.

5. It is pointed out that the punishment ticket issued by the respondent authorities pursuant to the delayed surrender of petitioner, has not been approved by the learned Jail Inspecting Judge.

6. The petitioner had been released on furlough on many occasions earlier and had not misused the liberty.

7. Considering the above, this Court does not find any impediment in granting the benefit of first spell of furlough to the petitioner.

8. It is not disputed that the petitioner is otherwise eligible for being released on furlough.

9. The learned Additional Standing Counsel for the State submits that during the verification, the father of the petitioner stated that he has disowned the petitioner and the property, the address of which has been provided by the petitioner as his address, has been put on rent.

10. In view of the above, the petitioner is directed to be released on first spell of furlough for the period of three weeks on the following conditions:

- a. The petitioner shall furnish a bail bond in the sum of ₹10,000/- with one surety of the like amount, to the satisfaction of the Jail Superintendent;
- b. The petitioner shall submit his fresh residential address, where he shall be residing after his release, to the concerned Jail Superintendent, and shall not change the same without informing the concerned



Jail Superintendent;

- c. The Jail Superintendent shall release the petitioner after verification of the address;
- d. The petitioner shall report to the SHO of the local area, once a week on every Sunday at 10:00 AM and shall not leave the National Capital Territory of Delhi during the period of furlough;
- e. The petitioner shall furnish his mobile number to the Jail Superintendent as well as to the SHO of the concerned Police Station on which he can be contacted if required. The said mobile number shall be kept active and operational at all times by the petitioner;
- f. The petitioner shall not indulge in any criminal activity during the period of furlough;
- g. Immediately upon the expiry of period of furlough, the petitioner shall surrender before the concerned Jail Superintendent;
- h. During this period, co-accused, if any, shall not be released on parole/furlough;
- i. The period of furlough shall commence from the date of actual release of petitioner.

11. The present petition is allowed in the aforesaid terms.

AMIT MAHAJAN, J

MARCH 26, 2025

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