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

+ **W.P.(CRL) 239/2025**

SAURABH SHARMA

.....Petitioner

Through: Mr. Gautam Khazanchi, Ms. Pooja Deepak, Mr. Vaibhav Dubey, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, SC with Mr. Abhinav Kr. Arya, Adv.

SI Mukesh Kumar, PS Domestic Airport, IGI

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

21.02.2025

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1. This is a petition seeking 1st spell of furlough for a period of 3 weeks in the FIR No. 88/2007 registered under Sections 120B/364A/34 of IPC at PS Palam Airport, Delhi.
2. The petitioner has been sentenced for life under Sections 120B/364A/34 of IPC and has undergone 15 years 9 months 24 days of incarceration with a remission of 2 years 3 months and 8 days.
3. The application for furlough was rejected on the ground that the petitioner had surrendered late by 15 days on 16.10.2024.
4. The Hon'ble Supreme Court in *Atbir v. State of NCT of Delhi* (2022) 13 SCC 96 while relying on *Asfaq v. State of Rajasthan & Ors.* (2017) 15 SCC 55 inter alia held as under:-

“18.....

.....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.”

5. This Court cannot overlook the circumstances and the family exigencies that may have arisen in the family of the petitioner. While dealing with an issue relating to grant of furlough to a convict, the Courts are required to balance the interests of convict as well as of the society.
6. The ground that the petitioner was not informed by the learned counsel regarding the fact that he has to surrender is plausible as the petitioner himself surrendered after getting to know about the order of the Hon'ble Supreme Court.
7. I am of the view that furlough is a right of the petitioner and the reason explained by the petitioner seems to be plausible. The petitioner is a life convict and has already undergone more than 15 years of incarceration.
8. For the said reasons, the petition is allowed and the petitioner is granted furlough for a period of 3 weeks from the date of his release to maintain social ties and re-establish ties with the family on 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 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 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 Jail Superintendent;
 - d) The petitioner will furnish his permanent address to the IO and in case he changes his address, he will inform the IO concerned;
 - e) The petitioner shall not indulge in any act or omission that is unlawful or that would prejudice the proceedings in pending cases, if any.
 - f) The petitioner shall not indulge in any act or omission that is unlawful during the period of furlough;
 - g) The petitioner shall surrender after the expiry of 3 weeks of furlough.
9. The petition is disposed of.

JASMEET SINGH, J

FEBRUARY 21, 2025 / (MS)

Click here to check corrigendum, if any