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

+ **W.P.(CRL) 287/2025 & CRL.M.A. 2497/2025**

**SURAJ CHAUHAN @ BITTO**

.....Petitioner

Through: Ms. Anu Narula, Advocate.

versus

**STATE OF THE NCT OF DELHI**

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel  
with Mr. Abhinav Kumar Arya and  
Mr. Aryan Sachdeva, Advocates.  
Insp. Salim Rana, PS: Vasant Vihar.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

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**28.01.2025**

1. The present petition has been filed under Article 226 of the Constitution of India, read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita<sup>1</sup>, seeking quashing of the order dated 27<sup>th</sup> November, 2024, passed by DS-Legal, PHQ, Delhi Prisons, whereby the Petitioner's request for grant of furlough has been declined.
2. The Petitioner has been convicted in the case resulting from FIR No. 191/2008, filed under Section 302 of the Indian Penal Code, 1860<sup>2</sup>, at P.S. Vasant Vihar, Delhi, and has been sentenced to imprisonment for life.
3. The Petitioner was released on furlough, for a period of two weeks, starting from 12<sup>th</sup> July, 2024, with a direction to surrender back on 27<sup>th</sup> July, 2024. However, the Petitioner was late in surrendering by three days and

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<sup>1</sup> "BNSS"



surrendered on 30<sup>th</sup> July, 2024. While noting the overall conduct of the Petitioner to be unsatisfactory, the impugned order denied furlough on the ground that he committed a jail offence, having exceeded previous furlough, for which a punishment of warning was recorded against him. The order also states that as per the Standing Order 01/2019, the Petitioner shall be eligible for another furlough only after a gap of one year from the date of the recorded punishment.

4. The counsel for Petitioner submits that the delay in surrendering was unintentional and was a *bona fide* mistake on the part of the Petitioner, who had fallen ill and had to visit a government hospital for his treatment.

5. The Court has considered the aforementioned conditions. The medical records, submitted by the Petitioner, *prima facie* indicate that he visited a government hospital on 27<sup>th</sup> July, 2024. As per latest Nominal Roll, the Petitioner has undergone incarceration for approximately 16 years and 5 months, as on 6th January, 2025, while earning a remission of 3 years, 8 months and 24 days.

6. The purpose behind enactment of the provision of furlough, is to facilitate maintenance of family and social ties of the convicts, supporting their rehabilitation and reintegration into society, providing them relief from the rigors of imprisonment, promoting their positive behaviour and discipline within the prisons, and contributing to their overall well-being and emotional health.<sup>3</sup>

7. The provision of furlough is benevolent one, designed for the welfare prisoners. It stands as a constructive hope for individuals amidst

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<sup>2</sup> “IPC”

<sup>3</sup> *Ashok Kumar v. State NCT of Delhi* MANU/DE/4216/2024



incarceration. The provision is thus, used to reward prisoners for their good behaviour. In the present case, traces of reformation can be seen as the Petitioner has earned remission. Further, the order dated 27<sup>th</sup> November, 2024, notes that only a warning has been issued to the Petitioner for surrendering late. Moreover, a reasonable explanation has been tendered by the Petitioner explaining the cause of delay in surrender.

8. In view of the foregoing, the Petitioner is directed to be released on furlough for a period of three weeks, subject to him furnishing a personal bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/Trial Court/Judicial Magistrate/Link Judicial Magistrate subject to the following conditions:

- (i) Petitioner must not leave the territory of State NCT of Delhi during the period of furlough, without the prior permission of the Court.
- (ii) Petitioner shall report to the SHO of the concerned police station once a week, on every Monday, at 11:00 am, during the period of furlough and should not be made to wait for more than an hour.
- (iii) Petitioner shall furnish a telephone number to the Jail Superintendent and the SHO of the concerned police station, which he will keep operational at all times.
- (iv) Petitioner shall surrender before the Jail Authorities at the expiry of the period of furlough.



9. With the above directions, the present writ petition is disposed of.

**SANJEEV NARULA, J**

**JANUARY 28, 2025**

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