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

+ **W.P.(CRL) 294/2025**

AKASH ALIAS BHOLE

.....Petitioner

Through: **Mr. Sunil Upadhyay, Advocate.**

versus

STATE NCT OF DELHI

.....Respondent

Through: **Ms. Rupali Bandhopadhyaya, ASC with
Mr. Abhijeet Kumar, Advocate for
State with Mr. Sandeep Yadav, SI,
PS-Sadar Bazar, Delhi.**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

03.03.2025

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1. The present petition under Article 226 of the Constitution of India, 1950 read with Section 482 of the Code of Criminal Procedure, 1973, has been filed, seeking grant of 3rd spell of furlough for a period of two weeks in FIR No. 81/2010 under Section 302/34B of the Indian Penal Code, 1860¹ registered at Police Station Sadar Bazar.

2. Subsequent to the filing of the petition, the Respondent took a decision on the Petitioner's pending request, and rejected the same by order dated 31st January, 2025. The said order reads as follows:

¹ "IPC"



8 Annexure A1

GOVT. OF NCT OF DELHI
OFFICE OF THE DIRECTOR GENERAL OF PRISONS
PRISON HEADQUARTERS, TIHAR : JANAK PURI : NEW DELHI

F.10(003745391)/CJ/Legal/PHQ/2025/M-444 Dated: 31.01.2025

ORDER

Sub : Regarding grant of furlough to convict Akash @ Bhola s/o Nand Lal @ Babli in case FIR No. 81/2010, u/s 302/34 IPC, PS- Sadar Bazar, Delhi

Ref: No.F.2/SCJ-2/CJ-2/AS(Furlough)/2025/15, dated:09.01.2025.

That he was released on 03 weeks furlough w.e.f. 26.04.2024 to 17.05.2024 and he was granted stay from surrendering by the Honble Apex Court till 19.07.2024. But he surrendered late by 03 days on 23.07.2024. He has violated the condition of furlough. Hence, his request for furlough stands rejected.

The convict may be informed under proper acknowledgment.

**DS-LEGAL PHQ
DELHI PRISONS**

To,
The Superintendent
Central Jail No.2
Tihar, New Delhi.

Bhola s/o Nand Lal
31/1/25

3. The Petitioner's request was declined on account of the delay in his surrender, when he was previously released on furlough. This delay also resulted in the issuance of a punishment ticket dated 26th July, 2024 to the Petitioner. The said punishment ticket was quashed by order dated 3rd February, 2025, in Writ Petition (Crl.) No. 364/2025.

4. In view of the foregoing, the delay in surrendering, which served as the basis for the rejection of the Petitioner's furlough, has already been subject to judicial scrutiny and has not been considered as a valid ground to



curtail the privileges extended to the Petitioner. Therefore, in the opinion of the Court, the Petitioner's request for the grant of furlough cannot be rejected in the same capacity.

5. It must also be noted that as per nominal roll, as on 25th February, 2025, the Petitioner has been in judicial custody for 14 years, 1 month and 8 days. He has also earned a remission of 9 months and 22 days. Furthermore, the Petitioner's jail conduct as well as overall conduct has been found to be satisfactory.

6. The Court has further been informed that another co-convict, Manoj Kumar S/o Ashok Kumar, has been released on parole for a period of 3 weeks by order passed by this Court on 28th February, 2025 in W.P.(Crl.) 629/2025. In light of this development, counsel for the Petitioner contends that, although the Delhi Prison Rules, 2018 do not permit the release of the Petitioner, this Court may exercise its jurisdiction under Article 226 of the Constitution of India to grant furlough in exceptional circumstances. Counsel for the Petitioner has highlighted the Petitioner's medical ailments, supported by documents annexed with the petition. Therefore, given that the Petitioner is already undergoing treatment, and in consideration of the peculiar facts of this case, the Court is inclined to grant furlough to the Applicant, notwithstanding the fact that the co-convict, Manoj Kumar, has already been granted parole.

7. The provision of furlough is a benevolent one and it is designed for the welfare of prisoners. The provision has the intent of rewarding prisoners for their good behaviour, when traces of reformation can be seen in them. Therefore, considering that the Petitioners had surrendered late on account of a *bonafide* reason and they have been previously granted furlough on various occasions, their request for grant of furlough is allowed



8. In light of the foregoing facts and circumstances, the Respondent is directed to release the Petitioner on third spell of furlough for a period of two weeks, to re-establish the social-ties with family members, on furnishing of a personal bond in the sum of INR 15,000/- with one surety of the like amount subject to the satisfaction of the Jail Superintendent/Trial Court/Duty Metropolitan Magistrate, and further subject to the following conditions:

(i) The Petitioner shall not leave the NCT of Delhi during the period of furlough, without the prior permission of this Court.

(ii) The Petitioner shall provide the mobile number(s) to the concerned Jail Superintendent and SHO - P.S. Sadar Bazar, Delhi, at the time of his release, which mobile number shall be kept in a working condition at all times.

(iii) The Petitioner shall appear before the SHO - P.S. Sadar Bazar, Delhi, on every Monday between 11:00 AM and 11:30 AM to mark his presence. However, he shall not be kept waiting for longer than one hour for this purpose.

(iv) The Petitioner shall positively surrender before the concerned Jail Superintendent on the expiry of the period of furlough.

9. With the above directions, the present petition is disposed of along with pending application.

10. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

SANJEEV NARULA, J

MARCH 3, 2025

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