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

+ **W.P.(CRL) 295/2025**

**RAJ KUMAR**

Through: Mr. Archit Upadhyay, Adv.  
(DHCLSC).  
.....Petitioner

versus

**STATE GOVT. OF NCT OF DELHI**

Through: Mr. Sanjay Lao, Standing Counsel  
(Crl.) for the State with Ms. Priyam  
Aggarwal and Mr. Abhinav Kumar  
Arya, Advocates.  
.....Respondent

**CORAM:**

**HON'BLE MR. JUSTICE AMIT SHARMA**

**ORDER**

**29.01.2025**

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1. This hearing has been done through hybrid mode.
2. The present writ petition under Article 226 of the Constitution of India read with Section 528 of the BNSS seeks the following prayers: -

“a. Issue a writ in the nature of Mandamus directing the respondent to release the petitioner on 1st spell of furlough for a period of Three Weeks for the present conviction year; and  
b. Issue a writ or order in the nature of certiorari setting aside the impugned order of the respondent dated 24.12.2024; and  
c. Pass any other order or further orders, which this Hon’ble Court deems fit and proper in the interest of justice;”

3. Learned counsel appearing on behalf of the petitioner seeks first spell of furlough for a period of 3 weeks for the present conviction year for enhancing social and family ties. It is submitted that the petitioner is convicted in case FIR No. 334/2007 registered at PS Mayapuri for offences under



Sections 302/392/34/397 of the IPC and Sections 25/27 of the Arms Act. It is submitted that *inter-alia*, the petitioner was sentenced to undergo rigorous life imprisonment for offence under Sections 302/34 of the IPC and has already served more than 13 years of the sentence.

4. Learned counsel for the petitioner submits that the latter had applied for the first spell of furlough before the competent authority, which was rejected *vide* order dated 24.12.2024 without any application of mind merely based on his overall conduct. It is further submitted that the petitioner had been granted parole and furlough on a regular basis till April, 2020.

5. It is pointed out that the petitioner was granted parole by this Court *vide* order dated 19.09.2023 (modified *vide* order dated 20.12.2023), wherein he was released on parole for 4 weeks. Furthermore, it is submitted that recently the petitioner was granted parole by this Court *vide* order dated 03.01.2024 and he had duly surrendered on 30.01.2024 before the concerned Jail Authorities. This fact has not been considered by the competent authority.

6. Heard the learned counsel for the petitioner and perused the record.

7. This Court while granting parole to the petitioner *vide* order dated 19.09.2023 in W.P. (Crl.) 1763/2023 had observed as under:

“Before the petitioner was released on HPC guidelines, he was released once on parole on 13.03.2019 and twice on furlough on 30.09.2019 and 01.01.2020. He surrendered on time after expiry of the parole/furlough period without misusing the liberty granted to him. The case of the petitioner is similar to the judgments relied upon on his behalf, inasmuch as in the present case, nothing has come on record to show that he was informed about when he was required to surrender. No punishment has been awarded to the petitioner since 20.09.2021. As per the status report, the given address on the petitioner, i.e., Village Gothia, Gonda, Uttar Pradesh has been verified.”



8. Nominal Roll dated 06.01.2025 authored by Superintendent, Central Jail no. 10, Rohini, New Delhi has been handed up in Court today and the same is taken on record. The Nominal Roll reflects that as on 06.01.2025, the petitioner has already undergone a period of 13 years 10 months and 19 days in custody (including the undertrial period and excluding the remission period). Further, the liberty granted to the petitioner *vide* the aforesaid order was not misused and he had duly surrendered on 30.01.2024.

9. In totality of the facts and circumstances of the case, the present petition is allowed. The petitioner is enlarged on furlough for a period of three weeks from the date of release, subject to furnishing a personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand Only) with a cash surety of the like amount to the satisfaction of the concerned Jail Superintendent, subject to following conditions: -

- i. The petitioner shall furnish a personal bond in the sum of Rs. 10,000/- with cash surety of the like amount, to the satisfaction of the concerned Jail Superintendent.
- ii. The memo of parties reflects that the petitioner resides at Village Gothia, District Gonda, Uttar Pradesh. In case of any change in address, the petitioner is directed to inform the concerned Jail Superintendent.
- iii. The petitioner shall report to the SHO, PS Mayapuri once a week, on every Sunday at 10:00 AM. The concerned officer shall release the petitioner by 11:00 AM, after completion of all necessary formalities.
- iv. The petitioner shall furnish his mobile number to the concerned jail authorities and to the Investigating Officer and keep it operational at all times.



- v. The petitioner shall surrender before the concerned jail authorities immediately upon the expiry of his furlough.
10. The petition is accordingly disposed of.
11. Pending application(s), if any, also stand disposed of.
12. Copy of this order be sent to the concerned Jail Superintendent for necessary information and compliance.
13. Order be uploaded on the website of this Court, *forthwith*.

**AMIT SHARMA, J**

**JANUARY 29, 2025/nk**

*Click here to check corrigendum, if any*