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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 310/2025**
ASHISH NANDWANAPetitioner

Through: Mr. Harshit Jain (DHCLSC) with Mr.
Rahul Kumar and Mr. Shubham Jain,
Advocates.

versus

STATE OF NCT OF DELHIRespondent

Through: Mr. Amol Sinha, ASC with Mr.
Kshitiz Garg, Advocate.
SI Paras Dhyani, P.S. Hazrat
Nizamuddin.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

29.01.2025

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1. The present petition is directed against order dated 2nd January, 2025, passed by the Director General of Prisons¹, whereby the Petitioner's request for second spell of furlough for a period of two weeks has been declined with the following observations:

“ORDER

Sub : Regarding grant of furlough to convict Ashish Nandwana s/o Ashok Nandwana in case FIR No. 109/2008, u/s 302/201/34 IPC, PS-Hazrat Nizamuddin, Delhi.

Ref: F.14/SCJ-14/Furlough/AS(CT)/2024/5989, Dated: 25.11.2024.

That he was released on 02 weeks furlough w.e.f. 01.09.2023 to 15.09.2023 and he was granted stay from surrendering by the Hon'ble Apex Court. Further, the Hon'ble Apex court has dismissed the petition of the convict on 01.10.2024 and directed to surrender immediately but he surrendered late by 07 days on 08.10.2024. He has violated the condition of furlough. Hence, his request for furlough stands rejected. The convict may be informed under proper acknowledgment.”

¹ “DG of Prisons”



2. As is clear from the above, the Petitioner's request was declined because after an earlier spell of parole the Petitioner had not surrendered himself with the Jail Authorities within time, once his petition before the Supreme Court assailing the order of Sentence Review Board² had been declined on 1st October, 2024.

3. In this regard, counsel for Petitioner submits that the Petitioner had a confusion in his mind regarding the period under which he had to surrender since in the order dated 1st October, 2024, the Supreme Court had decided a batch of petitions and in W.P.(CRL) 441/2023, the interim order granting stay on surrender, was extended by a period of three weeks. Thus, counsel for Petitioner submits that since the Petitioner was not able to reach out to his erstwhile counsel for the correct guidance in the matter, and he misunderstood the extension of three weeks to also be applicable to him and as such, there was a delay on his part in surrendering to the Jail Authorities. Counsel further submits that nonetheless, the Petitioner voluntarily surrendered shortly afterwards on 8th October, 2024. Counsel states that in case the Court grants furlough the Petitioner will reside with his mother at the address mentioned in the memo of parties during the said period.

4. The Court has considered the submissions of the Petitioner. It is noted that while the Supreme Court disposed of a batch of petitions though a common order dated 1st October, 2024, however, each petition was dealt separately. The order in W.P.(CRL) 441/2023 was not applicable to the Petitioner, and instead the order passed in petition numbered SLP CRL. 1484-1496/2024 was applicable to him. As such, it is plausible that the Petitioner, being a person with limited education, did not know the correct

² "SRB"



interpretation of the said order and mis-understood the grant of extension in W.P.(CRL) 441/2023, as being applicable to him as well. Pertinently, the Petitioner promptly surrendered himself once he got to know that the extension was not applicable to him, the benefit of doubt ought to be extended to the Petitioner.

5. Furthermore, there are other factors which also weigh with this Court in considering the Petitioner's present request for grant of the second spell of furlough. It is noted that as per the nominal roll, as on 13th January, 2025, the Petitioner has been in custody for a period of 15 years, 7 months and 20 days without remission. Moreover, his jail conduct for the past one year has been found to be satisfactory, except for the punishment dated 17th October, 2024, which was awarded on account of delay in surrender. While the nominal roll notes the details of other punishments meted out to the Petitioner during his period of incarceration, it is also noted that almost all of these other punishments pertain to violations committed by the Petitioner in the year 2013 – i.e., more than a decade ago. There is only one violation committed in the year 2021 pertaining to delay of one day in surrendering after grant of emergency parole.

6. The provision of furlough is a benevolent one which 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 the aforementioned facts with regard to the Petitioner's conduct while being incarcerated, the request of the Petitioner for grant of the second spell of furlough is allowed and accordingly, the following directions are issued:

7. The Petitioner shall be released on furlough for a period of two weeks



from the date of his release, on furnishing of a personal bond in the sum of Rs. 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 to the SHO, P.S. Hazrat Nizamuddin 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. Hazrat Nizamuddin, 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.
8. With the above terms, the present petition stands disposed of.
9. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

SANJEEV NARULA, J

JANUARY 29, 2025/as