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

+ **W.P.(CRL) 333/2025**

GAURAV CHADHA

.....Petitioner

Through: Mr. Nitin Saluja, Mr. Simran Khurana
and Ms. Sanskriti Bansal, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel for
the State with Mr. Priyam Agrawal,
Mr. Abhinav Kumar Arya and Mr.
Aryan Sachdeva, Advocates

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

30.01.2025

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CRL. M.A. 2854/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present petition has been filed challenging the impugned order dated 27.12.2024 (Annexure-A) whereby the application of the petitioner seeking grant of furlough was rejected on the ground that on an earlier occasion when the petitioner was granted furlough, he filed an SLP and obtained a stay on surrendering. However, subsequently, the Hon'ble Supreme Court dismissed the petition of the petitioner on 01.10.2024 and directed him to surrender immediately but he surrendered late by 7 days on 08.10.2024.



4. Learned counsel for the petitioner submits that the delay in surrendering was for a reason that the petitioner was not communicated by his counsel who had appeared in the SLP about the dismissal of same and concomitant vacation of stay and a direction to surrender. The same ground has also been articulated by the petitioner in ground 'E' of the present petition.

5. Issue notice. Learned Standing Counsel appearing on behalf of the State accepts notice. Considering the nature of relief sought, this Court is of the view that the present petition can be disposed of without calling for any reply from the State.

6. Having heard the learned counsel for the petitioner as well as learned Standing Counsel for the State, this Court is convinced with the justification given for seven days delay in surrendering, therefore, the present petition deserves to be allowed.

7. Accordingly, the writ petition is allowed and the impugned order dated 27.12.2024 is quashed and set aside. Resultantly, the respondent is directed to release the petitioner for the first spell of furlough for a period of three weeks subject to his furnishing a personal bond in the sum Rs. 10,000/- and a surety bond of the like amount to the satisfaction of the Jail Superintendent and further subject to the following conditions:

- (a) The petitioner shall not leave city/NCR region without informing the local SHO; and
- (b) Petitioner shall provide his mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.



8. Upon expiry of period of three weeks as stated above, the petitioner shall surrender before the Jail Superintendent.
9. With the aforesaid directions, the petition stands disposed of.
10. Copy of the order be forwarded to the Jail Superintendent for necessary compliance.
11. Order *dasti* under the Signatures of the Court Master.

VIKAS MAHAJAN, J

JANUARY 30, 2025
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