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

+ **W.P.(CRL) 336/2025**

SURJEET MUNDA

.....Petitioner

Through: Mr. Gautam Khazanchi and Ms. Aditi
Kukreja, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) for the State with Ms. Priyam
Aggarwal and Mr. Abhinav Kumar
Arya, Advocates.
SI Dheer Singh, P.S. Anand Vihar.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

30.01.2025

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1. This hearing has been done through hybrid mode.
2. The present 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 Certiorari quashing the Order no. F.10(003741528)/CJ/LEGAL/PHQ/2024/M-1668 dated 27.12.2024 passed by the Respondent; and
b. Issue a writ in the nature of mandamus directing the respondent to release the petitioner on 1st Spell of Furlough of three weeks; or
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 submits that the petitioner had filed an application for grant of furlough before the competent authority, however, the same was rejected *vide* order ref. No. F.10(003741528)/CJ/LEGAL/PHQ/2024/M-1668 dated 27.12.2024. The said



order records as under:

"i). That he was released on 03 weeks furlough w.e.f. 05.03.2024 to 27.03.2024 and but 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 but he surrendered late by 12 days on 12.10.2024. A punishment/warning was recorded against him for late surrender.

ii) As per standing order 01/2019, if the convict happens to commit jail offence (jumped Parole/Furlough) and a punishment of warning has been recorded against him, he shall be eligible for furlough after a gap of one year from the date of punishment.

iii) As his overall conduct found to be unsatisfactory and furlough is purely an incentive for maintaining good conduct, therefore, his request for furlough cannot be acceded to."

4. Learned counsel appearing on behalf of the petitioner submits that the ground for rejecting the application for grant of furlough to the present petitioner was due to late surrender and a punishment of warning was recorded against him for the same.

5. It is further submitted that the petitioner was released on furlough for 3 weeks w.e.f. 05.03.2024 to 27.03.2024. However, the Hon'ble Supreme Court had granted interim stay on his surrender. On 01.10.2024 the petition was withdrawn by the counsel of the petitioner and the Hon'ble Supreme Court directed the petitioner to surrender immediately, but the petitioner was not informed in time regarding the same due to which he surrendered after a delay of 12 days.

6. Learned Counsel for the petitioner has placed reliance on the orders passed by this Court in Gurudev vs. State NCT of Delhi in W.P.(CrI) 606/2024, Ved Prakash vs. State of NCT in W.P. (CrI) 1815/2024 and Nain Singh vs State of NCT of Delhi W.P. (CrI) 2764/2024 to establish that furlough can be granted if the delay in surrendering has happened



inadvertently.

7. Heard the learned Counsel for the petitioner.

8. As per the nominal roll received from the concerned Jail Superintendent, Central Jail no. 13, Mandoli, Delhi, dated 24.01.2025, the petitioner has been in judicial custody for 14 years 11 months and 21 days as on 21.01.2025. Further it is observed that the petitioner has been granted parole and furlough previously and had duly surrendered on time. The overall conduct as reflected from the nominal roll with respect to the present petitioner is stated to be satisfactory.

9. In view of the aforesaid, 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 one surety of the like amount to the satisfaction of the Jail Superintendent, subject to following conditions:

- i. The petitioner shall report to the SHO of the local area once a week on every Sunday between 10:00 AM to 11:00 AM during the period of furlough.
- ii. The petitioner shall furnish a telephone/mobile number to the Jail Superintendent as well as SHO of local police station, on which he can be contacted if required. The said telephone number shall be kept active and operational at all the times by the petitioner
- iii The petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.
- iv. The petitioner is directed to surrender before the jail authorities at the expiry of the period of furlough.



10. The petition is allowed and disposed of accordingly.
11. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
12. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

JANUARY 30, 2025/bsr

Click here to check corrigendum, if any