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

+ **W.P.(CRL) 387/2024**

KARMA AGGARAWAL

.....Petitioner

Through: **Mr. Gautam Khazanchi and Mr.
Vinayak Chawla, Advocates**

versus

STATE OF NCT OF DELHI

.....Respondent

Through: **Mr. Amol Sinha, ASC for State with
Mr. Kshitiz Garg, Mr. Ashvini
Kumar, Mr. Rahul Kochar, Ms. Chavi
and Ms. Sanskriti, Advocates**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

27.01.2025

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1. The present petition has been filed under Article 226 of the Constitution of India read with Section 482 of Code of Criminal Procedure, 1973 (Cr.P.C.) seeking quashing of the furlough rejection order dated 15.01.2024 and for issuance of direction to the Respondent to release the Petitioner on furlough for a period of three (3) weeks.
2. As per the impugned order the application for furlough has been declined as Petitioner jumped parole granted to him on 25.08.2017 and had to be re-arrested on 28.07.2018.
3. Learned counsel for the Petitioner states that a perusal of the Nominal Roll of the Petitioner would show that Petitioner's conduct for the last seven years since 2018 in the jail has been satisfactory. He states that only because of the said solitary incident of 2017 the impugned order dated 15.01.2024



has passed by the Competent Authority rejecting the furlough application of the Petitioner. He states there has been no consideration of the good conduct report of the Petitioner for the last seven years starting 28.07.2018.

3.1 He states that the Petitioner in the present case was first arrested on 29.06.2010 and has undergone actual custody for 13 years 07 months and 23 days approximately. He states that the Petitioner has earned remission in excess of 03 years 05 months and 05 days.

3.2 He states that both the parents of the Petitioner have died. He states that when the Petitioner was granted parole on 28.07.2017, he learnt that his wife has sold his ancestral house, deserted him and has re-married due to his arrest.

3.3 He states that the Petitioner has one sister who lives in Punjab and she is all the family which the Petitioner is left with and therefore, the furlough is being sought to re-establish contact with the society and family members, which is lost on account of continuous long incarceration.

3.4 He states that as per the affidavit dated 09.01.2025 filed, Petitioner if enlarged on furlough shall live with his sister and brother-in-law i.e., Mr. Trilochan Singh, at Village & P.O. Mandoli, Tehsil Rajpura, PS Kheri Gudia, Patiala Punjab. He states that the Petitioner's nephew Mr. Harmanjot Singh has already informed the SHO PS: Bhalaswa Dairy, Delhi that Petitioner's sister's family is willing to permit Petitioner to reside with them during the period on which he is out on furlough.

4. Learned ASC appearing for the State submits that the status report dated 18.09.2024 encloses the statement of the nephew Mr. Harmanjot Singh as well as his Aadhar Card.

5. The learned ASC is directed to ensure that the status report dated



18.09.2024 is placed on record.

6. This Court has considered the submissions of the parties and perused the records.

7. Keeping in view the Rule 1223 of the Delhi Prison Rules, 2018 and keeping in view, the Nominal Roll of the Petitioner, this Court is satisfied that the Petitioner is entitled to furlough for a period of three (3) weeks on the condition that he will reside at the address of his sister and brother-in-law at Patiala.

8. The competent authority in its impugned order has failed to appreciate that the Petitioner herein satisfies the criteria enlisted in Rule 1223. The Petitioner admittedly has three annual good conduct report since 2018 and has continued to maintain good conduct and thus keeping in view the objective of the grant of furlough, the petitioner is enlarged on furlough for a period of three (3) 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 (1) surety of the like amount to the satisfaction of the Jail Superintendent subject to the following conditions: -

- i. During the period, the Petitioner remains out on furlough, Petitioner shall report to the jurisdictional SHO in which the sister of the Petitioner resides on every Monday at 11:00 AM. The said SHO shall ensure that the Petitioner is not kept waiting for more than an hour.
- ii. SHO, PS Bhalaswa, Delhi shall ensure that the jurisdictional SHO is informed about the passing of this order.
- iii. The Petitioner shall also provide the SHO, PS Bhalaswa, Delhi with mobile telephone number, which shall be kept in working



- condition at all times and shall not switch off or change the mobile number without prior intimation to the SHO concerned. The number shall also be provided to the Jail Superintendent.
- iv. 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.
- v. The Petitioner is directed to surrender before the jail authorities at the expiry of the period of furlough.
9. Accordingly, the petition is disposed of. Pending applications (if any) are also disposed of as being rendered infructuous.
10. For streamlining and future reference, the Jail Authorities are directed to update their record as regards the valid address of the Petitioner as per the status reports filed in this petition.
11. In addition, the Competent authority is directed to bear in mind the observations made in the present order while considering the future applications of the Petitioner for furlough and parole.
12. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
13. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

JANUARY 27, 2025/rhc/sk