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

+ **W.P.(CRL) 374/2025**

JAYANT @ AMIT

.....Petitioner

Through: Mr. Rajneesh Bhaskar, Advocate
(DHCLSC), Mr. Rachit Raushan,
Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC for the
State with SI Mayank Istwal, PS
Kalyanpuri, Delhi

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

03.02.2025

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1. The Petitioner is a convict in case arising from FIR No. 486/2002 under section 365/396/34 of the Indian Penal Code, 1860, registered at Police Station Kalyan Puri. The Petitioner, through the present writ petition under Article 226 of the Constitution of India read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeks setting aside of order bearing No. F. 10(0037761 6)/CJ/LEGAL/PHQ/2024/M-302 dated 08th January, 2025¹ passed by Office of the Director General of Prisons, Prison Headquarters, Tihar, Janakpuri, New Delhi.

2. Issue notice.

3. Mr. Sanjeev Bhandari, ASC for the State, accepts notice.

¹ "Impugned order"



4. As per the nominal roll dated 23rd January, 2025,² the Petitioner has been in incarceration for 20 years 10 months and 09 days as on 21st January, 2025. He has also earned remission for 03 years 03 months and 27 days.

5. The Petitioner's request for first spell of furlough for a period of three weeks has been denied by the Impugned order which notes as follows:

"Sub: Regarding grant of furlough to convict Jayant @ Amit s/o Nand Kishore in case FIR No. 486/2002, u/s 365/396/34 IPC, PS-Kalyan Puri, Delhi.

Ref: F.14/SCJ-14/Furlough/AS(CT)/2024/6312, Dated: 12.12.2024.

*That convict **Jayant @ Amit s/o Nand Kishore** was released on 03 weeks furlough w.e.f. 11.01.2024 to 01.02.2024 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 12 days on 13.10.2024. He has violated the conditions of furlough. Hence, his furlough stands rejected.*

The convict may be informed under proper acknowledgement."

6. The request for furlough has been denied as there has been a lapse on his part in surrendering before the Jail Authorities by a period of 12 days.

7. Counsel for the Petitioner explains that the Petitioner was unaware of the order dated 01st October, 2024, passed by the Supreme Court, which directed him to surrender, due to a lapse on the part of the Petitioner's Advocate in informing him of the said order. He further submits that the Petitioner only learned on 13th October, 2024, through his fellow inmates, that the stay order issued by the Supreme Court had been vacated. Upon receiving this information, the Petitioner immediately surrendered before the Jail Authorities.

8. Although, there is a delay of 12 days on the part of the Petitioner in surrendering before the Jail Authorities, however, taking note of the peculiar

² Nominal roll



facts of the case, the Court is inclined to accept the Petitioner's request. The Court notes that as per the Nominal roll, the conduct of the Petitioner for last one year has been satisfactory except for the punishment dated 17th October, 2024 owing to the aforementioned delay of 12 days in surrendering. Furthermore, while the Nominal roll specifies the overall jail conduct as 'unsatisfactory' in view of the 'punishment list of Ghaziabad Jail, Uttar Pradesh', however, the said punishments are more than a decade old.

9. The attention of this Court, has also been drawn to Rules no. 1197 and 1200 of the Delhi Prison Rules, 2018. The said rules read as under:

"1197. Parole and Furlough to inmates are progressive measures of correctional services. The release of prisoner on parole not only saves him from the evils of incarceration but also enables him to maintain social relations with his family and community. It also helps him to maintain and develop a sense of self-confidence. Continued contacts with family and the community sustain in him a hope for life. The release of prisoner on furlough motivates him to maintain good conduct and remain disciplined in the prison.

1200. The objectives of releasing a prisoner on parole and furlough are:

- i. To enable the inmate to maintain continuity with his family life and deal with familial and social matters,*
- ii. To enable him to maintain and develop his self confidence,*
- iii. To enable him to develop constructive hope and active interest in life, iv. To help him remain in touch with the developments in the outside world,*
- v. To help him remain physiologically and psychologically healthy,*
- vi. To enable him to overcome/recover from the stress and evil effects of incarceration, and*
- vii. To motivate him to maintain good conduct and discipline in the prison."*

10. It is evident that Rule 1197 and 1200 provide that the provision of furlough and parole are progressive and correctional measures, and lay down the objectives of furlough and parole. This Court has also gone through Rule 1223 of Delhi Prison Rules, 2018 which provides criteria for grant of furlough. The said rule reads as under:



“1223. In order to be eligible to obtain furlough, the prisoner must fulfill the following criteria:-

- I. Good conduct in the prison and should have earned rewards in last 3 Annual good conduct report and continues to maintain good conduct.*
- II. The prisoner should not be a habitual offender.*
- III. The prisoner should be a citizen of India.”*

11. In view of the aforementioned objects, the explanation offered for the delay in surrendering and particularly, the fact that the Petitioner has been in judicial custody for over 20 years now and has been granted furlough on previous occasion, this Court is inclined to grant furlough for a period of three (03) weeks, in FIR No. 486/2002 under sections 365/396/34 of the Indian Penal Code, 1860, registered at PS: Kalyan Puri, on the following conditions:

- i. The Petitioner shall furnish a personal bond in the sum of Rs.10,000/- with one surety of the like amount, to the satisfaction of the Jail Superintendent.
- ii. 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.
- iii. 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.
- iv. Immediately upon the expiry of period of furlough, the Petitioner shall surrender before the Jail Superintendent.
- v. The period of furlough shall be counted from the day when the petitioner is released from jail.



12. In view of the above, the present petition stands disposed of.

SANJEEV NARULA, J

FEBRUARY 3, 2025/ab