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

+ **W.P.(CRL) 377/2025**

**MAHESH SHARMA ALIAS CHINTU**

.....Petitioner

Through: Mr. Arjun Malik, Adv.

versus

**STATE OF NCT OF DELHI**

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel  
SI Sandeep Kumar, PS Ambedkar  
Nagar

**CORAM:**

**HON'BLE MR. JUSTICE JASMEET SINGH**

**ORDER**

**03.02.2025**

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**CRL.M.A. 3353/2025**

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

**W.P.(CRL) 377/2025**

1. This is a petition filed under Article 226 of the Constitution of India read with Section 582 of BNSS, 2023 along with Section 482 of Cr.PC seeking issuance of writ in the nature of certiorari for quashing of the rejection order No. F. 10 (003525416) / CJ / LEGAL / PHO/2024/M-165, dated 02.01.2025.
2. As per the impugned order dated 01.10.2024, the petitioner's application for release on furlough was rejected on the ground that he surrendered late by 7 days on 08.10.2024.
3. Mr. Malik, learned counsel for the petitioner states that in the present case, the delay in surrendering was on account of the fact that the counsel did not inform the petitioner regarding the order of the Hon'ble Supreme Court.



4. Issue notice. Mr. Lao, learned standing counsel accepts notice and has addressed arguments.
5. In the present case, the petitioner has been sentenced for life imprisonment and has already undergone incarceration for about 20 years.
6. I am of the view that furlough would help to maintain social and family connections.
7. The Hon'ble Supreme Court in ***Atbir v. State of NCT of Delhi in SLP (Crl.) No. 7887/2021***, relying on ***Asfaq v. State of Rajasthan & Ors. (2017) 15 SCC 55*** held as under:-

*15. A convict, literally speaking, must remain in jail for the period of sentence or for rest of his life in case he is a life convict. It is in this context that his release from jail for a short period has to be considered as an opportunity afforded to him not only to solve his personal and family problems but also to maintain his links with society. Convicts too must breathe fresh air for at least some time provided they maintain good conduct consistently during incarceration and show a tendency to reform themselves and become good citizens. Thus, redemption and rehabilitation of such prisoners for good of societies must receive due weightage while they are undergoing sentence of imprisonment.*

8. It is plausible that the counsel did not inform the petitioner and hence, there was a 7 day delay in surrendering.
9. For the said reasons, the petition is allowed.



10. The petitioner is granted 3 weeks furlough from the date of his release subject to the following terms and conditions:
- a) The petitioner shall furnish a personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand Only) with 01 local surety in the like amount, to the satisfaction of the Jail Superintendent;
  - b) The petitioner shall furnish his cellphone number to the concerned Investigating Officer ('IO'). on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
  - c) The petitioner will furnish his permanent address to the IO and in case he changes his address, he will inform the IO concerned;
  - d) The petitioner shall not indulge in any act or omission that is unlawful or that would prejudice the proceedings in pending cases, if any.
  - e) The petitioner shall not indulge in any act or omission that is unlawful during the period of furlough;
  - f) The petitioner shall surrender the expiry of 3 weeks of furlough.
11. The petition stands disposed of in the aforesaid terms.
12. A copy of this order be communicated electronically to the concerned Jail Superintendent for information and necessary compliance.

**JASMEET SINGH, J**

**FEBRUARY 3, 2025/sp**

*Click here to check corrigendum, if any*