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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 442/2025

PANCHI @ PANCHPAL

.....Petitioner

Through: Mr. Anup Kr. Das, Mr. Uday and
Ms. Aayushi Gupta, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC for the
State with SI Rajak Ahmed, P.S.
Sangam Vihar.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

27.02.2025

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By way of the present petition filed under Article 226 of the Constitution of India read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks his 01st spell of furlough, which has been rejected by the competent authority *vide* order dated 31.01.2025.

2. Notice on this petition was issued on 10.02.2025.
3. Status Report dated 24.02.2025 has been filed in the mater.
4. The petitioner is serving life sentence for the offences under sections 302/34 of the Indian Penal Code 1860, arising from case FIR No.477/2013 registered at P.S.: Sangam Vihar, Delhi.
5. Mr. Anup Kumar Das, learned counsel appearing for the petitioner submits, that as would be seen from a perusal of the status report, the petitioner's application seeking furlough has been rejected on the



ground that his overall jail conduct has been ‘unsatisfactory’, in view of the multiple prison punishments having been awarded to him over several years. The status report records that the last such punishment was awarded to the petitioner on 29.06.2022, since a mobile phone had been recovered from him.

6. Counsel submits, that otherwise the petitioner has undergone more than 11 years and 02 months of actual sentence; and has earned remission of 01 year and 02 months as of 24.02.2025.
7. Counsel further points-out, that it must also be considered that punishment dated 29.06.2022 awarded *vide* Ticket No.194 was in any case quashed by a Co-ordinate Bench of this court *vide* order dated 02.11.2023 made in W.P.(CRL.) No.2746/2023, on the ground that a major punishment could not have been awarded to the petitioner under Rule 1272 of the Delhi Prison Rules 2018 (‘Delhi Prison Rules’) without calling-upon him to show-cause against the award of such punishment.
8. Counsel further points-out that even thereafter, *vide* orders dated 02.11.2023 passed in W.P.(CRL.) No.2781/2023; 08.07.2024 passed in W.P.(CRL.) No.1980/2024; and 28.11.2024 passed in W.P.(CRL.) No.3332/2024, the petitioner has been granted furlough by various Co-ordinate Benches of this court, despite the fact that as of those dates, the petitioner did not have 03 Annual Good Conduct Reports in terms of Rule 1223 of the Delhi Prison Rules.
9. On the other hand, learned ASC appearing for the State submits, that the petitioner’s overall jail conduct has been ‘unsatisfactory’; and the jail authorities were therefore justified in declining furlough to the



petitioner. Learned ASC also points-out that even though punishment dated 29.06.2022 was quashed by a Co-ordinate Bench, on 10.05.2022, *i.e.* just before that date the petitioner was awarded yet another prison punishment for being found in possession of a prohibited article.

10. Learned ASC submits that under Rule 1223(I) of the Delhi Prisons Rules, a prisoner is required to have 03 Annual Good Conduct Reports and must continue to maintain good conduct before being considered for furlough.
11. Upon a conspectus of the facts and circumstances obtaining in the matter, what weighs with the court are the following considerations :
 - (i) the petitioner has suffered about 11 years and 02 months of actual sentence as of 24.02.2025, not counting the remission of 01 year and 02 months earned by him; and (ii) that the last prison punishment awarded to the petitioner on 29.06.2022 was quashed by a Co-ordinate Bench of this court.
12. This court is accordingly persuaded to grant to the petitioner – ***Panchi @ Panchpal s/o Anant Singh*** – *furlough* for a period of *03 weeks* from the date of his release, subject to the following conditions :
 - 12.1. The petitioner shall furnish a personal bond in the sum of Rs.15,000/- (Rs. Fifteen Thousand Only) with 01 surety in the like amount from a family member, to the satisfaction of the Jail Superintendent;
 - 12.2. The petitioner shall not leave the NCT of Delhi without permission of this court and shall *ordinarily* reside at his address as per prison records;



- 12.3. The petitioner shall present himself before the S.H.O., P.S.: Sangam Vihar, Delhi every Thursday between 11 am and 11:30 am to mark his presence. However, he will not be kept waiting longer than an hour for this purpose;
- 12.4. The petitioner shall furnish to the S.H.O., P.S.: Sangam Vihar, Delhi a cellphone number 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;
- 12.5. If the petitioner has a passport, he shall surrender the same to the Jail Superintendent;
- 12.6. The petitioner shall not indulge in any act or omission that is unlawful or that would prejudice the proceedings in pending cases, if any; and
- 12.7. Upon expiry of the period of furlough, the petitioner shall surrender before the Jail Superintendent.
13. Petition stands disposed-of in the above terms.
14. Pending applications, if any, also stand disposed-of.
15. A copy of this order be sent to the concerned Jail Superintendent *expeditiously*.

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 27, 2025

V.Rawat