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

+ **W.P.(CRL) 451/2025**

RAJINDER KUMAR @GANJA

.....Petitioner

Through: Ms. Astha, Adv. (DHCLSC) with Ms.
Megha Singh, Adv.

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sanjay Lao, SC with Ms. Priyam
Aggarwal, Adv.

Insp. Sanjeev Kumar, PS Punjabi Bagh

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **10.02.2025**

CRL.M.A. 4049/2025

Allowed subject to all just exceptions.

The application stands disposed of.

W.P.(CRL) 451/2025

1. This is a petition filed under Article 226 of the Constitution of India read with section 528 of BNSS seeking quashing of the order bearing No.F.10(003742543)/CJ/LEGAL/PHQ/2025/M-433, dated 13.01.2025, whereby the application filed by the petitioner seeking grant of first spell of furlough for a period of 2 weeks was rejected and thereafter, grant of furlough to the petitioner for a period of 2 weeks.

2. The application filed by the petitioner seeking grant of furlough was rejected on the ground that the petitioner was to surrender immediately on 01.10.2024, when the SLP filed by the petitioner before the Hon'ble Supreme Court seeking a direction to consider the petitioner's name in sentence review board or pre mature release was dismissed, however the petitioner surrendered on 06.10.2024, which is after a delay of 5 days.



3. Ms. Astha, learned counsel for the petitioner submits that the delay in surrendering was because the order dated 01.10.2024, passed by the Hon'ble Supreme Court, whereby the petitioner's SLP got rejected was communicated to the petitioner on 05.10.2024.
4. Issue notice. Mr. Lao, learned Standing Counsel accepts notice on behalf of the respondent.
5. In the present case, the petitioner was convicted for life for the offences committed under sections 302/307/120-B IPC. The petitioner has already undergone incarceration for a period of 14 years 8 months and 6 days, has a remission of 1 year 6 months and 28 days.
6. The Hon'ble Supreme Court in ***Atbir v. State of NCT of Delhi*** (2022) 13 SCC 96 while relying on ***Asfaq v. State of Rajasthan & Ors.*** (2017) 15 SCC 55 inter alia held as under:-

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.....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.”*

7. This Court cannot overlook the circumstances and the family



exigencies that may have arisen in the family of the petitioner due to prolonged incarceration of the petitioner. While dealing with an issue relating to grant of furlough to a convict, the Courts are required to balance the interests of convict as well as of the society.

8. Considering the overall facts and circumstances, the petition is allowed and the petitioner is granted 2 weeks of 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 during the period of furlough;
- e) The petitioner shall immediately surrender after the expiry of 2 weeks of furlough.

9. The petition is disposed of accordingly.

JASMEET SINGH, J

FEBRUARY 10, 2025 / (MS) *Click here to check corrigendum, if any*