



\$~26

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

+ W.P.(CRL) 518/2025

SONU

.....Petitioner

Through: Mr. Ajay Verma, Advocate.

versus

THE STATE (GOVT OF NCT
OF DELHI) AND ANR.

....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(criminal) for the State with Ms.
Priyam Agarwal, Advocate.
SI Dipesh Malik, PS S.P.Badli.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **19.02.2025**

1. This hearing has been done through hybrid mode.
2. The present petition under Article 226 of the Constitution of India read with Section 528 of the BNSS has been filed seeking the following prayers: -

“a) Issue Writ in the nature of certiorari for quashing of order dt. 31.1.2025 passed by the respondent;

b) Issue writ in the nature of mandamus directing the respondent to grant first spell of furlough to the Petitioner;

c) Pass any such other or further orders as this Hon'ble Court may deem fit, just and proper.”

3. Learned counsel appearing on behalf of the petitioner submits that the latter had filed an application for grant of furlough before the competent authority, however, the same was rejected *vide* order F.10(003516781)/CJ/Legal/PHQ/2025/M-954 dated 31.01.2025. The said



order reads as under: -

“1) During emergency parole for said convict was re-arrested in another case FIR No. 177/2020, u/s 336/596/34 IPC & 25/27 A. Act, PS-Begam Pur, Delhi on 14.06.2020. That shows the said convict has not maintained good conduct during Emergency Parole as he was indulging in criminal activities during release on emergency parole. He has violated the condition of parole/furlough. Also, he has not earned three Annual Good Conduct Remission consecutively. Hence, his request for furlough stands rejected.”

4. Learned counsel for the petitioner further submits that the main ground for rejecting the said application by the competent authority was on the ground that when he was released on Emergency Parole in 2020, he had not maintained good conduct and had indulged in criminal activities and violated the conditions of parole/furlough. It is further submitted that the said ground of rejection was duly considered by this Court and the present petitioner was afterwards granted parole for a period of 4 weeks *vide* order dated 12.10.2023 in W.P.(CRL) 2462/2022 passed by a Coordinate Bench of this Court and the same was extended from time to time in pursuance of the directions given by the Hon'ble Supreme Court.

5. *Per contra*, learned Standing Counsel for the State has opposed the present petition as the petitioner has jumped parole on an earlier occasion and was also indulged in criminal case while he was released on Emergency Parole in 2020 and has thus, become ineligible for grant of further relief of furlough. He has handed over in Court today a status report dated 19.02.2025 along with nominal roll dated 18.02.2025 of the applicant and the same are taken on record.

6. Heard learned counsel for the parties and perused the record.

7. Perusal of the nominal roll dated 18.02.2025 shows that the present



petitioner, as on 17.02.2025, has undergone incarceration for more than 18 years including the remissions earned by him during the said custody period. It further shows that he was released on parole and furlough on earlier occasions. Insofar as the ground on which the furlough has been rejected by the competent authority *vide* the impugned order is concerned, it is pertinent to note that despite the said ground, he was granted parole for a period of 4 weeks *vide* order dated 12.10.2023 in W.P.(CRL) 2462/2022 passed by a Coordinate Bench of this Court, wherein the same was duly considered. It is further noted that the said parole granted to the present petitioner was extended by the Hon'ble Supreme Court from time to time. Nominal roll further shows that conduct of the petitioner for the last one year is satisfactory.

8. In the totality of the facts and circumstances of the case, the present petition is allowed and the petitioner is directed to be released on furlough for a period of 3 weeks, from the date of his release, on his furnishing a personal bond of Rs. 25,000/- along with one surety of the like amount to the satisfaction of the concerned Jail Superintendent, further subject to following conditions: -

- i. The petitioner shall report to the SHO, P.S. Jahangirpuri on every Sunday once a week between 10:00 AM to 11:00 AM during the period of furlough and the concerned Officer shall release him after completion of necessary formalities.
- ii. The petitioner shall furnish a telephone/mobile number to the Jail Superintendent as well as SHO of PS Jahangirpuri, 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.



- iii. The petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the complainant/deceased or any member of the complainant/deceased's family or tamper with the evidence of the case.
- iv. The period of furlough shall be counted from the day when the petitioner is released from jail.
- v. The petitioner is directed to surrender before the jail authorities after the expiry of the period of furlough.
- 9. The petition is allowed and disposed of accordingly.
- 10. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
- 11. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

FEBRUARY 19, 2025/

Click here to check corrigendum, if any