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

+ **W.P.(CRL) 519/2025**

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.....Petitioner

Through: Mr. Siddharth Yadav, Advocate.
versus

STATE (NCT OF DELHI)

.....Respondent

Through: Ms. Rupali Bandopadhyay, ASC for
the State.
SI Pravesh, PS Mundka.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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17.03.2025

1. This hearing has been done through hybrid mode.
2. The present petition under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C. (Section 528 of the BNSS) seeks the following prayers:-

- “a) Issue a writ in the nature of Certiorari quashing order issued by respondent bearing number F.10(02/SCj-2)/CJ/LEGAL/PHQ/2025/M-951 dated 31/01/2025;
- b) Issue a writ in the nature of Mandamus granting first (1st) spell of furlough for a period of three (3) weeks to the petitioner in FIR No. 190/2013, U/S 302/201/120B IPC, P.S. MUNDKA;
- c) Issue a writ in the nature of Mandamus granting simultaneous release of the petitioner with his wife and co-convict Poonam;
- d) Pass: such further order(s) as this Hon'ble Court deems fit and proper”

3. The petitioner was convicted in case FIR No. 190/2013, under Sections 302/201/120B of the IPC, registered at P.S. Mundka, Delhi and has been awarded rigorous imprisonment for life alongwith a fine of Rs. 25,000/-. His criminal appeal bearing CRL. APPEAL no. 192/2017 also stands dismissed by this Court *vide* judgment dated 08.10.2018. It is noted that the petitioner



had been convicted along with his wife/co-convict- Ms. Poonam in the aforesaid FIR.

4. The petitioner had filed for the first spell of furlough before the Competent Authority which was dismissed *vide* order dated 31.01.2025 for the following reasons:

“He was released on emergency parole w.e.f. 15.02.2021 to 13.08.2021 which was extended time to time due to prevailing situation of covid-19 but he was arrested in fresh case FIR No. 1079/2021, u/s 307 IPC 25/27 Arms Act, PS Mundka, Delhi while he was on emergency parole. He has violated the condition of emergency parole. Hence, his request for furlough stands rejected.”

5. Learned counsel for the petitioner points out that the aforesaid circumstances also existed when a coordinate Bench of this Court granted the petitioner parole for a period of 4 weeks *vide* order dated 09.05.2024 in W.P.(CRL) 2546/2022. It is further submitted that his wife, i.e., co-convict Ms. Poonam has already been granted furlough however, she has not availed of the same as the petitioner and his wife want to come out at the same time in order to take care of their minor twin-daughters.

6. *Per contra*, learned ASC (Crl.) appearing on behalf of the State submits that apart from the reasons recorded in the order declining furlough, as per the nominal roll dated 10.03.2025, he had surrendered late after the grant of 4 weeks of parole by the co-ordinate Bench of this Court.

7. Heard learned counsel for the parties and perused the records.

8. The petitioner had been granted parole by a co-ordinate Bench of this Court for a period of 4 weeks, despite the circumstances that were recorded in the aforesaid impugned order declining furlough by the Competent Authority. Further, the nominal roll dated 10.03.2025 authored by



Superintendent of Prison, Central Jail no. 2, Tihar, New Delhi shows that the petitioner had surrendered late in the evening hours after the evening lockup on the same day, i.e., 30.06.2024 (after expiry of 4 weeks of parole). This Court has gone through the order dated 09.05.2024, passed by the coordinate Bench of this Court, wherein it has been recorded that the petitioner and his wife/co-convict- Ms. Poonam have twin daughters, who need care of their parents.

9. Further, Rule 1224 of Delhi Prison Rules, 2018, Note (1) reads as under:

Note: - (1) Simultaneous furlough to co-accused convicts are ordinarily not permissible. However, when co-accused convicts are family members, simultaneous release may be considered in exceptional circumstances only.

10. In the present case, as per the Nominal Roll dated 10.03.2025 authored by Superintendent of Prisons, Central Jail No. 2, Tihar, New Delhi, the petitioner has been in custody for nearly 11 years excluding the period of remission. It is further reflected that the conduct of the present petitioner for the last one year is stated to be 'satisfactory'.

11. A status report dated 17.03.2025 authored by Insp. Gulshan Gupta, SHO PS Mundka has been handed up in Court today and the same is taken on record. As per the Status Report, the address of the present petitioner has been verified. It is further recorded that at present the daughters of the petitioner are residing with their grandparents.

12. In totality of the facts and circumstances, the present petition is allowed. It is pointed out that the wife of the petitioner has already been granted furlough. Accordingly, the petitioner is granted furlough and is permitted to be simultaneously released alongwith his wife/co-convict- Ms.



Poonam, for a period of 3 weeks from the date of his release, on his furnishing a personal bond in the sum of Rs. 20,000/- with one surety of like amount, subject to the satisfaction of concerned Jail Superintendent, further subject to following conditions:

- i. The memo of parties reflects that the petitioner resides at H. No. 438, Pana Ramayan, Village Tikri Kalan, West Delhi. In case of any change of address, the petitioner is directed to inform the same to the Investigating Officer and the concerned Jail Superintendent.
 - ii. The petitioner shall furnish a telephone number to the concerned Jail Superintendent on which he can be contacted, if required. After his release, he shall also inform his telephone number to the SHO of the police station concerned.
 - iii. Immediately upon the expiry of the period of furlough, the petitioner shall surrender before the Jail Superintendent.
 - iv. The period of furlough shall be counted from the day when the petitioner is released from jail.
13. The petition is accordingly disposed of.
 14. Pending application(s), if any, also stands disposed of.
 15. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
 16. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

MARCH 17, 2025/Pc/bsr

[Click here to check corrigendum, if any](#)