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

+ **W.P.(CRL) 549/2025**

AMRIK SINGH

.....Petitioner

Through: Mr. Biswajit Kumar Patra and Mr.
Satyajit Patra, Advs.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, SC for State
SI Vikas PS Mangol Puri

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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17.02.2025

1. This is a petition filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) seeking 2nd spell of furlough for a period of two (2) weeks for the conviction year which commenced on 11.02.2024 and seeks quashing of the order dated 31.01.2025 ('impugned order') passed by the Respondent.

2. Learned counsel for the Petitioner states that Petitioner's request for grant of furlough made vide application dated 05.12.2024 has been arbitrarily rejected by the impugned order. He states applicant has been rejected solely on the ground that there was delay of 4 days by the Petitioner in surrendering to the jail authorities in October, 2024.

2.1. He states that the Petitioner was unable to surrender on 01.10.2024 for the reasons set out in paragraph 5 of the petition, which read as under:

5. That the petitioner was availing stay on surrender granted by the Hon'ble Supreme Court of India till his writ was ultimately dismissed as withdrawn on 01.10.2024. However, there was no clarity as to the exact



date of surrender. **It is apposite to mention herein that the petitioner was continuing to appear before the PS. Rohini South even after the date of 01.10.2024. The order was finally uploaded on the website on 05.10.2024 wherein it was stated that the inmate is to surrender immediately.** Accordingly, the petitioner immediately surrendered before CJ No. 10, Rohini Jail on the same date. A copy of order dated 01.10.2024 passed by the Hon'ble Supreme Court of India inter alia in W.P. CrI. No. 397/2023 is annexed herewith and marked as Annexure-C.

(Emphasis Supplied)

2.2. He states that in view of the aforesaid submission, the delay of 4 days in surrendering to the jail authorities in October, 2024 was bona fide.

2.3. He states that the Nominal Roll may be perused which would show that the Petitioner has been granted parole and furlough several times between 2016 and 2024 and has always duly surrendered at the expiry.

2.4. He states that the Petitioner undertakes that there will be no delay in surrender, in future.

3. Issue notice. Learned Standing Counsel accepts notice.

4. He states that the present application for furlough was filed during the conviction year which commenced on 11.02.2024, however, the said year has expired, and a fresh conviction year has begun on 11.02.2025. He fairly states that similarly placed convicts as well had delayed their surrender to the jail authorities on 05.10.2024 and each one of them has relied upon similar facts.

5. This Court has considered the submissions of the parties.

6. Since the new conviction year has begun on 11.02.2025, the convict is entitled to 1st spell of furlough for three (3) weeks. Learned counsel for the Petitioner during arguments has prayed that the Petitioner be granted furlough for three (3) weeks in this petition.



7. Keeping in view the facts set out in paragraph 5 of this petition, this Court is of the considered opinion that the Petitioner has offered a reasonable explanation for the delay in surrender in October, 2024 and the said explanation appears to be bona fide. There has been no undue delay in making the surrender between 01.10.2024 and 05.10.2024. And importantly, the Petitioner was not re-arrested but had himself duly surrendered. The Petitioner's conduct between 2016 and 2024 in duly surrendering after each furlough and parole cannot be ignored and overlooked due to the delay of four days in October, 2024.

8. Accordingly, keeping in view the humanitarian of grant of furlough, this Court sees no impediment in granting furlough to the Petitioner. The Petitioner is enlarged on furlough for a period of three (3) weeks subject to the following conditions:

- i. The Petitioner shall furnish a personal bond in the sum of Rs. 20,000/- with one surety of the like amount, to the satisfaction of the Jail Superintendent concerned.
- ii. During the period the petitioner remains out on furlough, the petitioner shall report to the concerned SHO/Duty Officer on every Saturday.
- iii. He shall surrender his passport, if any, to the Court concerned and shall, under no circumstances, leave Delhi without prior permission of the Court concerned;
- iv. He shall provide his mobile number(s) to the Investigating Officer and keep it operational at all times and shall not switch off or change the mobile number without prior intimation to the SHO/Duty Officer concerned. The mobile location be kept on at all times;
- v. He shall not indulge in criminal activity of any nature whatsoever and



- shall not communicate with or come in contact with the complainant/victim or any member of the complainant/victim's family;
- vi. In case of change of residential address and/or mobile number, the same shall be intimated to the SHO/Duty Officer by way of an affidavit
- vii. The Petitioner shall surrender before the Jail Authorities positively after the expiry of the period of furlough.
9. Accordingly, the petition is disposed of.
10. Pending applications (if any) are also disposed of as being rendered infructuous.
11. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
12. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 17, 2025/hp/am/ms

Click here to check corrigendum, if any