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

+ W.P.(CRL) 565/2025

NANDU @ RAM KISHORE

.....Petitioner

Through: Mr. Siddharth Yadav, Advocate.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Amol Sinha, ASC with Mr.
Kshitiz Garg, Mr. Ashvini Kumar,
Ms. Chavi Lazarus and Ms. Sanskriti
Nimbekar, Advocates for State.
Mr. Sandeep Yadav, SI, PS-Sadar
Bazar, Delhi.

+ W.P.(CRL) 567/2025

MANOJ @ KALE

.....Petitioner

Through: Mr. Siddharth Yadav, Advocate.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Amol Sinha, ASC with Mr.
Kshitiz Garg, Mr. Ashvini Kumar,
Ms. Chavi Lazarus and Ms. Sanskriti
Nimbekar, Advocates for State.
Mr. Sandeep Yadav, SI, PS-Sadar
Bazar, Delhi.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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25.02.2025

1. Through the present petitions, the Petitioners assail the orders dated



11th February, 2025, passed by the Director General of Prisons (Tihar)¹ denying their request for grant of furlough. While the Petitioner in W.P.(CRL) 565/2025 – Nandu @ Ram Kishore seeks grant of second spell of furlough for a period of two weeks, the Petitioner in W.P.(CRL) 567/2025 – Manoj @ Kale seeks grant of the first spell of furlough for a period of three weeks.

2. Pertinently, through the present writ petitions the Petitioners also seek grant of simultaneous release as both Petitioners are family members of each other and have been convicted in the proceedings arising from the same FIR being - FIR No. 81/2020 registered at P.S. Sadar Bazar. Therefore, both the petitions are being disposed of by way of a common order.

3. The reason for denial of the Petitioner's request is the delay of 8 days on the part of the Petitioners in surrendering when they were released on furlough on a previous occasion and an interim stay was granted by the Supreme Court. The Petitioners submit that they were a part of the batch of petitions before the Supreme Court assailing orders of the Sentence Review Board declining their early release. However, by way of order dated 1st October, 2024, the Supreme Court vacated the interim stay and directed the Petitioners and several other inmates to surrender immediately.

4. The Petitioners urge that they were not aware of such an order being passed by the Supreme Court since there was a communication gap between them and their respective counsels and they only got to know about the same after a delay of 8 days. They submit that the delay was unintentional and when they got to know about the same, they immediately surrendered. Moreover, they urge that their conduct in jail has been satisfactory and

¹ "Impugned order"



nothing adverse has been recorded against them when they were released earlier.

5. The Court notes that while the Supreme Court disposed of a batch of petitions through a common order dated 1st October, 2024, however, each petition was dealt separately. In the said order, some petitioners were granted an extension of stay, whereas others, including the present Petitioners, were directed to surrender immediately. Given this, it is plausible that the Petitioners, being individuals with limited legal knowledge, were unaware of the specific directions issued in their cases due to a communication gap between them and their respective counsels. Nonetheless, the record reflects that upon learning of the Supreme Court's directions, the Petitioners voluntarily surrendered without necessitating any coercive measures. The brief delay of eight days in compliance appears to have arisen from inadvertent miscommunication rather than any deliberate attempt to evade the process of law. In view of these peculiar facts, the Court finds it appropriate to extend the benefit of doubt to the Petitioners.

6. With respect to the Petitioners' request for simultaneous release, Mr. Amol Sinha, ASC for the State, opposes the plea, contending that both Petitioners have been sentenced to life imprisonment under the same FIR and, therefore, should not be released together. In this regard, counsel for the Petitioners refers to Note (1) of Rule 1224 of the Delhi Prison Rules, 2018, which, stipulates that ordinarily simultaneous release of co-accused convicts is not permissible, but provides an exception in cases where the co-accused are family members. He submits that in exceptional circumstances, such a request may be granted and accordingly urges the Court to consider the same in the present case.



7. The Court has considered the submissions of the parties. Rule 1224 of the Delhi Prison Rules, 2018 is as follows:

“1224. The following categories of prisoners shall not be eligible for release on furlough:

- i. Prisoners convicted under sedition, terrorist activities and NDPS Act.*
- ii. Prisoners whose immediate presence in the society may be considered dangerous or otherwise prejudicial to public peace and order by the District Magistrate of his home district or there exists any other reasonable ground such as a pending investigation in a case involving serious crime.*
- iii. Prisoners who are considered dangerous or have been involved in serious prison violence like assault, outbreak of riot, mutiny or escape, or rearrested who absconded while released on parole or furlough or who have been found to be instigating serious violation of prison discipline as per the reports in his/her annual good conduct report.*
- iv. Convicted foreigners.*
- v. Prisoners suffering from mental illness, if not certified by the Medical Officer to have recovered.*

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.

Note: - (2) If an appeal of a convict is pending before the High Court or the period for filing an appeal before the High Court has not expired, furlough will not be granted and it would be open to the convict to seek appropriate directions from the Court.”

[Emphasis added]

8. As evident from the above, while simultaneous furlough is generally not granted to co-accused convicts, an exception exists where the co-accused are family members. In the present case, the Petitioners are closely related—Petitioner in W.P.(CRL) 565/2025, Nandu @ Ram Kishore, being the paternal uncle of Petitioner in W.P.(CRL) 567/2025, Manoj @ Kale. Given this familial relationship, their request for simultaneous furlough can be considered.

9. It is noted that as per the nominal roll, as on 21st February, 2025, the



Petitioner in W.P.(CRL) 565/2025 – Nandu @ Ram Kishore, has undergone sentence for a total period of 14 years, 3 month and 1 day and has earned remission for 1 year, 1 month and 25 days. Moreover, he has been working as a Sahayak at a Gate in the jail. It is noted that his overall jail conduct has been found to be unsatisfactory due to the punishment dated 19th October, 2024 awarded to him on account of late surrender after the expiry of the previous period of furlough. However, apart from this no other punishments have been awarded to him during the entire period of his incarceration.

10. Similarly, as per the nominal roll, as on 21st February, 2025, Petitioner in W.P.(CRL) 567/2025 – Manoj @ Kale, has undergone sentence of 13 years, 4 months and 4 days and earned remission for 1 year and 13 days. Moreover, he has been working as a Sahayak at the Control Room in the jail. His overall jail conduct has also been found to be unsatisfactory on account of punishment dated 19th October, 2024 due to late surrender. Although it is also noted that earlier, he was awarded two other punishments in 2015 on account of inflicting self-injuries with an improvised sharp object and due to misbehaviour and attempted assault on a duty staff, however, in the opinion of the Court, these punishments are almost a decade old and ought not to prejudice the Petitioner's right to be released on furlough now.

11. The provision of furlough is a benevolent one and it is designed for the welfare of prisoners. The provision has the intent of rewarding prisoners for their good behaviour, when traces of reformation can be seen in them. Therefore, considering that the Petitioners had surrendered late on account of a *bonafide* reason and they have been previously granted furlough on various occasions, their request for grant of furlough is allowed.

12. The Petitioner in W.P.(CRL) 565/2025 – Nandu @ Ram Kishore is



granted second spell of furlough for a period of two weeks from the date of his release and the Petitioner in W.P.(CRL) 567/2025 – Manoj @ Kale is granted first spell of furlough for a period of three weeks from the date of his release, on both of them furnishing of a personal bond in the sum of Rs. 10,000/- each, with one surety of the like amount, subject to satisfaction of the Jail Superintendent/Trial Court/Duty Metropolitan Magistrate, and further subject to the following conditions:

- (i) The Petitioners shall not leave the NCT of Delhi during the period of furlough, without the prior permission of this Court.
- (ii) The Petitioners shall provide their mobile numbers to the concerned Jail Superintendent and to the SHO, P.S. Sadar Bazar at the time of their release, which mobile numbers shall be kept in a working condition at all times.
- (iii) The Petitioners shall appear before the SHO, P.S. Sadar Bazar, on every Monday between 11:00 AM and 11:30 AM to mark their presence. However, they shall not be kept waiting for longer than one hour for this purpose.
- (iv) The Petitioners shall positively surrender before the concerned Jail Superintendent on the expiry of the period of furlough.

13. With the above terms, the present petitions stand disposed of.

14. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

SANJEEV NARULA, J

FEBRUARY 25, 2025

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