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

+ **W.P.(CRL) 601/2025**

GHANSHYAM @JAVED

.....Petitioner

Through: Mr. Shannu Baghel, Mr. Aakash,
Mr. Saksham Kumar, Ms. Disha
Gupta and Mr. Ganpat Ram,
Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC with
Mr. Arjit Sharma and Ms. Sakshi Jha,
Advocate for State with Mr. Vishva
Vijay, SI.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

04.07.2025

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1. Through the instant petition under Article 226 of the Constitution of India, read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹, the Petitioner seeks a direction for quashing of order dated 4th February, 2025, whereby his request to be released on 2nd spell of furlough for a period of 3 weeks has been declined by the Respondent.
2. The Petitioner is a convict undergoing life imprisonment in terms of FIR No. 07/2001 under Sections 302, 186, 353, 332 and 34 of the Indian

¹ "BNSS"



Penal Code, 1860² as well as Sections 25 and 27 of the Arms Act 1959, registered at P.S. Civil Lines, Delhi.

3. It is noted that the Petitioner's earlier request to be released on 1st spell of furlough was rejected by the Respondent though order dated 1st October, 2024, which was assailed by the Petitioner before this Court in W.P.(CRL) 3309/2024. The said petition was allowed and the Petitioner was directed to be released on furlough.

4. Counsel for the Petitioner submits that the reason for rejection mentioned in the order dated 1st October, 2024, which formed the subject matter of challenge in W.P.(CRL) 3309/2024, is identical to the impugned rejection order dated 4th February, 2025. A copy of the order dated 1st October, 2024 has been handed over across the board and is taken on record.

5. A perusal of the said order reveals that the reasons for rejection are identical to the reasoning given in the order impugned herein. The Director General of Prisons has rejected the Petitioner's request primarily on the ground of the seriousness of the offence committed; conviction in multiple criminal cases; and conduct in prison resulting in issuance of multiple punishments for violation of prison rules.

6. However, these very grounds were not found to be sustainable by a co-ordinate bench of this Court in W.P.(CRL) 3309/2024. It is also noted that the Petitioner has been granted furlough on several occasions and has not misused the liberty granted to him. Furthermore, as per the nominal roll, as on 25th April, 2025, the Applicant has undergone a custody of 21 years, 7 months and 18 days and also earned remission of 3 years, 9 months and 4 days. Accordingly, this Court is inclined to allow the Petitioner's request for

² "IPC"



grant of furlough.

7. The Applicant is directed to be released on furlough for a period of 3 weeks from the date of release, on furnishing of a personal bond in the sum of INR 15,000/- with one surety of the like amount, subject to the satisfaction of the Jail Superintendent, and further subject to the following conditions:

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

8. Before parting, it is important to highlight that the reasons in order dated 1st October, 2024 and the impugned order are identical. This reveals a mechanical approach adopted by the competent authority. Thus it is directed that any future request for furlough made by the Petitioner, ought not be rejected casually. The Respondent must take into consideration the judicial orders passed by this Court while deciding the Petitioner's request for furlough in future.



9. With the above directions, the present petition stands disposed of.
10. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

SANJEEV NARULA, J

JULY 4, 2025

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