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

+ W.P.(CRL) 617/2025

SHAMSHAD @KHUTKAN

.....Petitioner

Through: Mr. Kunal Malhotra, Mr. Ravinder Gaur, Mr. Manish Ikkania, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Rahul Tyagi, ASC (Crl.) with Mr. Mathew M. Philip, Mr. Sangeet Sibou and Mr. Aniket Kumar Singh, Advocates for the State with SI Yashpal, PS S.Campus.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

21.02.2025

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1. The Writ Petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) has been filed on behalf of the Petitioner, Shamshad @ Khutkan, to challenge the Order dated 31.01.2025 *vide* which the Director General of Prisons, New Delhi, has rejected the Application for grant of Furlough to the Applicant.
2. The Applicant has been convicted for the offences under Section 376(2)(g)/365/506/34 of the Indian Penal Code, 1860 and had applied for Furlough, which has been denied *vide* Order dated 31.01.2025, on the ground that three Cases got registered against him in the year 2021 while he



was on emergency Parole. It is submitted on behalf of the Petitioner that despite the registration of the three FIRs in the year 2021 while he was on emergency Parole, he has been granted the benefit of Parole from 12.12.2023 to 07.01.2024 by this Court *vide* Order dated 07.12.2023. His conduct has been satisfactory and he has not committed any further violation while having been released on Parole and hence, the prayer is made for grant of Furlough.

3. Learned ASC on behalf of the State has submitted that the Petitioner has been granted Parole twice and Furlough once, by the Order of this Court.

4. **Submissions heard and the record perused.**

5. There is nothing on record to reflect that since 2021, the conduct of the Petitioner was unsatisfactory. He has been released thrice on Parole/Furlough and has not committed any dereliction. The impugned Order dated 30.01.2025 is hereby set-aside.

6. Considering the totality of the circumstances, the petitioner be released on Furlough for a period of **three weeks**, on the following terms and conditions:

- i. The petitioner shall furnish a personal bond in the sum of Rs.10,000/- with one surety of the like amount, to the satisfaction of the Jail Superintendent.
- ii. The petitioner shall report to the SHO of the local area once a week on every Sunday between 10:00 AM to 11:00 AM during the period of furlough.
- iii. The petitioner shall furnish a telephone/mobile number to the Jail Superintendent as well as SHO of local police station, 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.
- iv. The petitioner shall ordinarily reside at the address mentioned in the Petition.
 - v. Immediately upon the expiry of period of Furlough, the Petitioner shall surrender before the Jail Superintendent.
 - vi. The period of Furlough shall be counted from the day when the Petitioner is released from jail.
7. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

FEBRUARY 21, 2025/RS