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

+ **W.P.(CRL) 677/2025 & CRL.M.A. 6335/2025**

VISHAL

.....Petitioner

Through: Ms. Gunjan Sinha Jain, Advocate.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Rupali Bandhopadhyaya, ASC with
Mr. Abhijeet Kumar and Mr. Anurag
Arora, Advocates.
SI D. Singh, P.S. K. Gate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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27.02.2025

1. The Petitioner is serving a life sentence in FIR No. 378/1994 under Section 364A and 34 of the Indian Penal Code, 1860¹, registered at P.S. Kashmiri Gate. Through the present petition under Article 226 of the Constitution of India and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023² (erstwhile Section 482 of the Code of Criminal Procedure, 1973³), the Petitioner assails the order dated 28th January, 2025⁴, whereby his request for grant of first spell of furlough has been declined. The impugned order, reads as follows:

“He was released on furlough w.e.f. 21.12.2020 to 04.01.2021 (02 weeks by DG(Prisons) but he did not surrender on his due date of surrender. He

¹ “IPC”

² “BNSS”

³ “CrPC.”

⁴ “Impugned order”



surrendered late by 01 year 02 months and 26 days i.e. on 30.03.2022. He has violated the condition of furlough. In view of the said fact furlough to the convict Vishal s/o Roop Chand is declined.

The convict may be informed under proper acknowledgment.”

2. As evident from the above, the Petitioner’s request for furlough has been declined on account of delay on his part in surrendering when the Petitioner was released on furlough on a previous occasion in December, 2020.

3. Pertinently, this delay in surrender also resulted in issuance of a punishment ticket to the Petitioner on 30th March, 2022. This punishment ticket was assailed by the Petitioner in W.P.(CRL) 2937/2024 which was heard and disposed of by a Co-ordinate Bench of this Court on 11th December, 2024, by directing quashing of the said punishment ticket. The operative portion of the order dated 11th December, 2024, reads as follows:

“23. In the circumstances, this court is persuaded to allow the present petition, thereby quashing Punishment Ticket dated 30.03.2022 issued to the petitioner; with a further direction that the petitioner's application for furlough dated 'nil' be now decided by the jail authorities expeditiously, in light of the fact that the punishment ticket stands quashed.”

4. In light of the foregoing, since the punishment ticket issued on account of delay in surrendering, has itself has been quashed, in the opinion of the Court, the same ground cannot be adopted to deny the Petitioner’s present request for grant of furlough. Furthermore, it is noted that as per nominal roll on record, as on 15th February, 2025, the Petitioner has been in custody for 13 years, 7 months and 20 days and he has earned remission of 3 years, 1 month and 25 days. Petitioner’s conduct in jail for the last one year as well as his overall jail conduct has been found to be satisfactory, except



for the punishment ticket dated 30th March, 2022 for the delay of 1 year 2 months and 26 days in surrendering, which as noted above, was quashed by the Co-ordinate Bench of this Court in W.P.(CRL) 2937/2024.

5. 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 Petitioner's present request for furlough has been denied on the sole reason that there was a delay in surrendering on the previous occasion and considering that the punishment ticket issued in this regard has been subsequently quashed by the Co-ordinate Bench of this Court, the Petitioner's request in the present petition is allowed.

6. In light of the above, the order no. F. 10(3490833)/CJ /Legal/PHQ /2024/M-839 dated 28th January, 2025 passed by the Respondent is hereby quashed. The Petitioner is directed to be released on the first spell of furlough, for a period of three weeks, subject to the addresses mentioned in the nominal roll being verified and on furnishing of a personal bond in the sum of Rs. 15,000/- with one surety of the like amount subject to the satisfaction of the Jail Superintendent/Trial Court/Duty Metropolitan Magistrate, 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 - P.S. Kashmiri Gate, 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 SHO - P.S. Kashmiri Gate, Delhi, 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.

7. With the above directions, the present petition stands disposed of.

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

SANJEEV NARULA, J

FEBRUARY 27, 2025

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