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

+ **W.P.(CRL) 685/2025**

KAMRUDDIN @ KAMRU @ MOBILEPetitioner

Through: Mr. Gaurav Sharma, Ms. Sakshi Jha
and Ms. Aakanksha Sharma, Advs.

versus

STATE GOVT. OF NCT OF DELHIRespondent

Through: Mr. Sanjay Lao, Standing Counsel for
State with Ms. Priyam Aggarwal, Mr.
Abhinav Kumar Arya and Mr. Aryan
Sachdeva, Advs. with SI Sanyukta PS
South Campus

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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28.02.2025

CRL.M.A. 6378/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The present petition has been filed seeking quashing of impugned order dated 31.01.2025 passed by the respondent whereby the petitioner's application seeking grant of furlough has been rejected.
4. Further, prayer has been made seeking direction to the respondent to release the petitioner on furlough for a period of three weeks in connection with FIR No. 248/2010 under Sections 365/376/(2)(g)/506/34 IPC registered



at PS Dhaula Kuan.

5. The learned counsel appearing on behalf of the petitioner submits that the application of the petitioner for grant of furlough has been rejected on 02 grounds namely, -(i) that the petitioner was arrested in a fresh case on 01.10.2020 and lodged in Distt. Jail Ghaziabad while he was on emergency parole; and (ii) the petitioner was granted parole on 26.12.2023 and he filed the writ petition before the Hon'ble Supreme Court of India, in which he was granted stay from surrendering. However, the writ petition was dismissed on 24.09.2024 with a direction to the petitioner to surrender immediately but he surrendered on 20.11.2024 i.e. after a delay of 20 days.

6. The learned counsel appearing on behalf of the petitioner submits that insofar as the first ground that the petitioner was arrested in fresh case in October, 2020 is concerned, the same is not sustainable in as much as the petitioner was granted furlough on two subsequent occasions as well. However, with regard to the delayed surrendering, the submission of the learned counsel is that the dismissal of writ petition was not intimated to him by his counsel, which led to delay of 20 days in surrendering.

7. In view of the above, issue notice. Learned Standing Counsel appearing on behalf of the State accepts notice. He, however, contends that the co-convict namely, Shamshad @ Khutkan in the present case has been granted parole and the order of granting furlough may be made effective after he surrenders, if at all this Court is inclined to allow the petition.

8. Considering the nature of relief sought, this Court is of the view that the present petition can be disposed of without calling any reply from the State.

9. A perusal of the nominal roll shows that post petitioner's arrest in October, 2020 by the police in Ghaziabad, he has been granted furlough on



two occasions and parole on one occasion which liberty was not misused by the petitioner.

10. This position is, however, not disputed by the learned Standing Counsel appearing on behalf of the State.

11. Insofar as 20 days delay in surrendering is concerned, this Court is convinced with the justification given by the learned counsel appearing on behalf of the petitioner to the effect that the petitioner was not informed by his counsel about the dismissal of his writ petition by the Hon'ble Supreme Court of India.

12. In view of the above, the writ petition is allowed and the impugned order 31.01.2025 is quashed and set aside. Resultantly, the petitioner is directed to be released for the first spell of furlough for a period of three weeks subject to his furnishing a personal bond in the sum Rs. 10,000/- and a surety bond of the like amount to the satisfaction of the Jail Superintendent and further subject to the following conditions:

- (a) The petitioner shall not leave city/NCR region without informing the local SHO; and
- (b) Petitioner shall provide his mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.

13. Upon expiry of period of three weeks as stated above, the petitioner shall surrender before the Jail Superintendent.

14. However, it is made clear that in terms of Rule 1224 of Delhi Prison Rules, 2018 the present order of granting furlough to the present petitioner will be effective from the date the aforesaid co-accused Shamshad @



Khutkan surrenders.

15. The petition stands disposed of, in the above terms.
16. Copy of the order be forwarded to the Jail Superintendent for necessary compliance.
17. Order *dasti* under the Signatures of the Court Master.

VIKAS MAHAJAN, J

FEBRUARY 28, 2025
N.S. ASWAL