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

+ **W.P.(CRL) 700/2025**

SATENDER SINGH

.....Petitioner

Through: **Mr. Ashutosh Kaushik, Advocate
(DHCLSC).**

versus

STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondent

Through: **Mr. Yasir Rauf Ansari, Ld. ASC for
the State with Mr. Alok Sharma and
Mr. Vasu Agarwal, Advocates with SI
Ritika Dhiwan P.S. Chanakya Puri.**

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

28.02.2025

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CRL.M.A. 6506/2025 (Seeking Exemption)

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

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3. A Writ Petition under Article 226 of the Constitution of India read with Section 582 of BNSS, 2023 along with Section 482 Cr.P.C has been filed to challenge the Order dated 05.12.2024 whereby grant of furlough for a period of three weeks in FIR No.247/2003 under Section 376(2)(G)/366/394/34 IPC Police Station Chankya Puri has been denied.
4. It is submitted in the Petition that the Petitioner has been undergoing RI for life along with fine for offences punishable under Section 376(2)(G)/366/394/34 IPC. The Petitioner had already been released on



furlough eighteen times in the past. He was released temporarily on furlough for fourteen days w.e.f 31.08.2023 till 15.09.2023.

5. The Apex Court in Writ Petition (Crl.) No.416/2023 had stayed from surrendering but the stay was vacated vide Order dated 01.10.2024. However, the Petitioner received delayed information and surrendered before the Jail Authorities on 14.10.2024. His Furlough application dated 18.11.2024 has been dismissed on 05.12.2024 on account of delay in surrender. It is submitted that the delay was for the reasons stated above and that the furlough be granted.

6. Learned ASC submits that there is no infirmity in the Order. It is further submitted that for cogent reasons of delay of 13 days in surrender and consequent warning which has been issued to the Petitioner, the Furlough has been rightly rejected.

7. **Submissions heard and record perused.**

8. In terms of Order dated 01.10.2024 of the Apex Court, the surrender was to be made forthwith. However, the Petitioner received delayed information and immediately surrendered himself before the concerned Jail Superintendent on 14.10.2024.

9. The delay of 13 days in surrender cannot be held to be motivated and contumacious so as to deny him the right of Furlough in future, but was for the reasons stated herein above.

10. Considering the above discussion and also no objection on behalf of the State, the impugned Order dated 05.12.2024 rejecting the Furlough Application of the Petitioner, is hereby quashed and set aside.

11. There was only a delay of 13 days in surrender for which a cogent



explanation has been furnished by the Petitioner. Consequently, the impugned Order is set aside and **first spell** of furlough is granted to the Petitioner for 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.
12. The Petition stands disposed of accordingly.

NEENA BANSAL KRISHNA, J

FEBRUARY 28, 2025/va