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

+ **W.P.(CRL) 764/2025**

**DEEPAK NANDA**

.....Petitioner

Through: Mr. Shiv Chopra, Mr. Shravan  
Pandey, Ms. Surbhi Arora, Mr.  
Siddharth Arora and Mr. Dhananjay,  
Advocates

versus

**STATE OF NCT OF DELHI**

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel  
with SI Bhoop Singh, PS: Binda Pur,  
New Delhi

**CORAM:**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**ORDER**

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**05.03.2025**

**CRL.M.A. 7082/2025 (Application for exemption)**

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

**W.P.(CRL) 764/2025**

3. The present petition is filed under Article 226 of the Constitution of India read with Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking quashing of rejection order No. F.10 (003483500/CJ/Legal/PHQ/2024/M-1550) dated 24.12.2024 and inter alia seeking release of the Petitioner on 1<sup>st</sup> spell of furlough for a period of three (3) weeks.

3.1. The Petitioner was sentenced to rigorous imprisonment for life with



fine vide order dated 30.01.2014 in FIR No. 07/2009 registered under Sections 302/397/34 of the Indian Penal Code, 1860 (IPC) at Police Station (P.S.) Bindapur.

4. This Court has perused the Nominal Roll of the Petitioner dated 20.02.2025. The said Nominal Roll records that the Petitioner during the period of incarceration has been granted parole and furlough on at least 16 occasions between 2016 and 2023. It is further recorded that he punctiliously surrendered each time until July, 2023.

5. In September, 2023, when the Petitioner was granted furlough, he approached the Supreme Court in W.P.(CRL) 477/2023 praying for an early release; the Supreme Court vide interim order dated 09.10.2023 had exempted the Petitioner from surrender; however, when the W.P.(CRL) 477/2023 was disposed of vide order dated 01.10.2023, the interim order stood vacated forthwith.

5.1. Learned counsel for the Petitioner submitted that, by the time, Petitioner learnt about the vacation of the interim order by Supreme Court a few days had already lapsed; however, the Petitioner himself went to the jail and surrendered with the delay of 7 days.

6. In the opinion of this Court, the explanation given by the Petitioner for delayed surrender in 2023 is reasonable, especially in light of his previous unblemished record of timely surrender 16 times. Therefore, this Court finds that the impugned order of the Competent Authority declining the relief of grant of furlough is excessively harsh and without merit.

7. In light of the above finding, the impugned order dated 24.12.2024 is set aside and the Competent Authority is directed not to rely upon the delayed surrender by the Petitioner in October, 2023 while considering



convict's future application for grant of furlough and/or parole.

8. In view of the above, this Court finds that the Petitioner is entitled to grant of furlough for a period of three (3) weeks from the date of release subject to furnishing a personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand only) with one surety of the like amount to the satisfaction of the Jail Superintendent subject to the following conditions: -

- i. During the period, the Petitioner remains out on furlough, the Petitioner shall report to the SHO, PS Bindapur, every Monday at 11:00 AM, and will not be kept waiting for more than an hour.
- ii. The Petitioner shall also provide the SHO, PS Bindapur, with mobile telephone number, which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the SHO concerned. The number shall also be provided to the Jail Superintendent.
- iii. The Petitioner shall not leave the National Capital Territory of Delhi during the period of furlough, without the prior permission of this Court.
- iv. The Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the complainant/victim or any member of the complainant/victim's family.
- v. The Petitioner is directed to surrender before the jail authorities at the expiry of the period of furlough.

9. Accordingly, the petition is disposed of. Pending applications (if any) are also disposed of as being rendered infructuous.

10. Copy of the order be sent to the Jail Superintendent for information



and necessary compliance.

11. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, [www.delhihighcourt.nic.in](http://www.delhihighcourt.nic.in), shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

**MANMEET PRITAM SINGH ARORA, J**

**MARCH 5, 2025/rhc/sk**