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

+ **W.P.(CRL) 790/2025 & CRL.M.A. 7330/2025**

VIRENDER KUMAR @ MINTU

.....Petitioner

Through: Ms. Tanya Agarwal and Mr. Gaurav
Kalra Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Rahul Tyagi, ASC for the State
with Inspector Kishore Kumar, P.S.
South Rohini.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER
11.03.2025

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1. By way of the present writ petition, the petitioner is seeking quashing of the Rejection Order No F.10(0003454828)/CJ/LEGAL/PHQ/2025/M-1649 dated 19.02.2025 passed by DG (Prison) and for the issuance of writ in the nature of mandamus directing the respondent to release the petitioner on 2nd spell of furlough for a period of two weeks.

2. The petitioner is presently confined in Central Jail No. 2, Tihar, New Delhi. In the present case, the petitioner was convicted for commission of offence under Sections 302/392/394/34 of Indian Penal Code, 1860 (hereafter '*IPC*') and was awarded sentence of rigorous imprisonment for life and his appeal against conviction i.e. CRL.A. 1269/2013 was dismissed by this Court on 23.07.2014.



3. The learned counsel appearing on behalf of the petitioner argues that in this case, a punishment was awarded to the petitioner herein for late surrender after 11 days on 12.10.2024. However, the said punishment was not approved by the concerned Inspecting Judge, Central Jail No.2, Tihar. Further, the petitioner herein has been released on furlough on 09 occasions and he had not misused the liberty so granted to him. It is stated that the jail conduct of the petitioner is satisfactory. It is stated that after the year 2014, in the last 11 years, no other punishment has been awarded to the petitioner herein. It is further stated that the petitioner has been in custody for more than 20 years without remission, and 21 years including the period of remission period. It is also stated that the only ground on which the furlough was denied to him was non-surrendered by 11 days. Therefore, it is prayed that the petitioner be released on furlough.

4. On the other hand, the learned ASC appearing on behalf of the State argues the petitioner has not abided by the law and has drawn the attention of this Court to the furlough granted to the petitioner, wherein the petitioner had surrendered 11 days late. Therefore, he prays that the present petition be dismissed.

5. This Court has heard arguments addressed on behalf of both the parties and has gone through the material placed on record.

6. This Court notes that the petitioner's application for grant of 2nd spell of furlough was moved by the petitioner. The said application was rejected by the competent authority on 19.02.2025, and the rejection order reads as under:

“...That he was released on furlough w.e.f. 09.01.2024 to 22.01.2024, thereafter, he was exempted for



surrender by Hon'ble Apex Court till 01.10.2024. On 01.10.2024, the Hon'ble Supreme Court dismissed his petition and directed him to surrender immediately, but he surrendered late by 11 days on 12.10.2024. Since, he had violated the terms and conditions of furlough, his request for 2nd spell of furlough for current conviction year stands rejected..."

7. This Court also takes note of Rule 1178 of the Delhi Prison Rules, 2018 which clearly lays down that an inmate shall be eligible for Annual Good Conduct Remission, and any warning given to him shall not be taken into account. The same is reproduced below:

"...1178. Any prisoner, eligible for ordinary remission, who for a period of one year from the date of his sentence, or the date on which he was last punished (except by way of warning) for a prison offence, has not committed any prison offence, should be awarded 30 days annual good conduct remission by the Superintendent of the Prison in addition to any other remission. Explanation: - For the purposes of this rule, prison offences punished only with a warning, shall not be taken into account..."

8. The learned counsel for the petitioner also drew this Court's attention to an order dated 07.06.2019 *vide* which the Standing Order No. 01/2019 was modified to the extent that in case a warning is issued to a convict, he shall be eligible for furlough.

9. The attention of this Court has also been drawn to Rules 1197 and 1200 of the Delhi Prison Rules, 2018. The said rules read as under:

"1197. Parole and Furlough to inmates are progressive measures of correctional services. The release of a prisoner on parole not only saves him from the evils of incarceration but also enables him to maintain



social relations with his family and community. It also helps him to maintain and develop a sense of self-confidence. Continued contacts with family and the community sustain in him a hope for life. The release of prisoner on furlough motivates him to maintain good conduct and remain disciplined in the prison.

1200. The objectives of releasing a prisoner on parole and furlough are:

- i. To enable the inmate to maintain continuity with his family life and deal with familial and social matters,
- ii. To enable him to maintain and develop his self-confidence,
- iii. To enable him to develop constructive hope and active interest in life,
- iv. To help him remain in touch with the developments in the outside world,
- v. To help him remain physiologically and psychologically healthy,
- vi. To enable him to overcome/recover from the stress and evil effects of incarceration, and
- vii. To motivate him to maintain good conduct and discipline in the prison..."

10. Thus, considering that the record maintained by the prison authorities itself reveals that the petitioner's conduct in the last several years has been satisfactory, and that after the year 2014, in the last 11 years, no other punishment has been awarded to the petitioner herein, which is an incentive for maintaining good behavior and conduct in the jail, this Court is inclined to grant furlough to the present petitioner for a period of two weeks from the date of his release, on the following 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. Immediately upon the expiry of period of furlough, the petitioner shall surrender before the Jail Superintendent.
 - v. The period of furlough shall be counted from the day when the petitioner is released from jail.
11. In above terms, the present writ petition along with pending application, if any, is disposed of.
 12. A copy of this order be sent by the Registry to the Jail Superintendent concerned.
 13. The order be uploaded on the website forthwith.

MARCH 11, 2025/zp

SWARANA KANTA SHARMA, J

Click here to check corrigendum, if any