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

+ **W.P.(CRL) 807/2025 & CRL.M.A. 7500/2025**

RAVI KUMAR SINHA

.....Petitioner

Through: **Mr. Arjun Malik, Advocate**

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: **Mr. Sanjay Lao, Standing Counsel
with Mr. Abhinav Kr. Arya, Mr.
Aryan Sachdeva, Advocates with SI
Pankaj Kasana, P.S. Anand Vihar,
Delhi**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **10.03.2025**

1. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') [Section 482 of the Code of Criminal Procedure, 1973 ('Cr. P.C.')] seeking quashing of the impugned order dated 19.02.2025 passed by the Office of the Director General of Prisons, Prison Headquarters, Tihar, New Delhi ('competent authority') rejecting the furlough in FIR No. 58/2009, registered under Sections 302/392/397/411/34 of the Indian Penal Code, 1860 ('IPC') at Anand Vihar Police Station (P.S.).
2. The competent authority in the impugned order has observed that the Petitioner herein was re-arrested in FIR No. 125/2021 dated 15.10.2021 registered at P.S. Mandir Marg, under Section 394/411/34 IPC. It has been noted in the order that the Petitioner has failed to maintain good conduct



during the period of emergency parole and has violated the conditions thereof. As a result, the request for furlough made by the Petitioner was rejected.

3. Learned counsel for the Petitioner submits that the competent authority, vide an earlier order dated 09.05.2022, had previously denied the application for furlough on similar grounds by referring to FIR No. 125/2021.

3.1. He further states that the Coordinate bench, vide order dated 28.10.2024 passed in W.P. (Crl.) 3062/2023, after considering the fact that the Petitioner had otherwise maintained good conduct for a period of three years since 15.10.2021, granted the prayer for furlough by referring to Rule 1223 of Delhi Prison Rules, 2018. Additionally, he submits that, vide order dated 06.12.2024, the said Bench also modified the condition of surety, substituting it with a cash surety.

3.2. He states that in view of the abovementioned order dated 28.10.2024 passed by the Coordinate bench, the competent authority ought to not have declined the application for furlough on the same grounds.

3.3. He further prays that the Petitioner be granted furlough on furnishing personal bond and cash surety as was permitted vide order dated 06.12.2024 in W.P.(CRL). 3062/2023. He states that the Petitioner will be residing at the address mentioned in the memo of parties.

4. Issue notice. Learned standing counsel accepts notice.

4.1. He states that in FIR No. 125/2021, Petitioner has been charge-sheeted under u/s 394/411/34 IPC.

4.2. He submits that based on these circumstances, Rule 1223 of Delhi Jail Rules, 2018, which outlines the conditions to grant or deny the furlough, is



duly applicable, and therefore, the impugned order justifiably rejects the application for furlough.

5. In the considered opinion of this Court the impugned order dated 19.02.2025 passed by the competent authority cannot be sustained as the reasons set out in the said order have been considered and dealt with by the Coordinate Bench vide order dated 28.10.2024, wherein relevant paras read as under:

“2. It is averred that the concerned authority has rejected the petitioner’s application vide order dated 09.05.2022 on the ground that while being earlier released on furlough in the year 2021, he was re-arrested in another case being FIR No. 125/2021 registered under Sections 394/411/34 IPC at P.S. Mandir Marg, Delhi on 15.10.2021. v 3. It is submitted that petitioner’s three years period in terms of Rule 1223 of Delhi Prison Rules, 2018 have since passed and even as per the nominal roll, the petitioner’s conduct in jail has been stated to be satisfactory and no adverse comments have been noted. 4. Mr. Ansari, Ld. ASC for the State submits that the only reason for the rejection of petitioner’s application was on account of his involvement in another case while being enlarged on bail. He, however, fairly concedes that the three-year period has since been completed. 5. Considering that no adverse remarks have been noted against him during the last three years, ...”

6. In the Nominal Roll dated 28.01.2025, handed over by the learned Standing Counsel, the Superintendent has recommended the Petitioner’s application on satisfactory jail conduct over the last three years. The Nominal Roll also records that the Petitioner is working as a Jail Factory Sahayak.

7. In view of the order dated 28.10.2024 and considering the satisfactory conduct of the Petitioner as per the Nominal Roll, this Court sees no impediment in granting furlough to the Petitioner. The Petitioner is enlarged on furlough for a period of two (2) weeks from the date of release subject to



furnishing a personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand only) with cash surety of the like amount to the satisfaction of the Jail Superintendent subject to the following conditions: -

- i. The petitioner shall appear before the SHO, of the concerned P.S. every Monday between 11:00 AM and 11:30 AM to mark his presence. However, he shall not be kept waiting for longer than an hour for this purpose.
 - ii. The petitioner shall also provide the SHO of the concerned P.S. with mobile number(s), which shall be kept operational at all times and shall not switch off or change the mobile number without prior intimation to the SHO concerned.
 - 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 in FIR No. 125/2021 and subject FIR No. 58/2009.
 - v. The petitioner is directed to surrender before the jail authorities at the expiry of the period of furlough.
8. Accordingly, the petition is disposed of. Pending applications (if any) are also disposed of as being rendered infructuous.
9. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
10. Keeping in view of the order dated 28.10.2024 passed by the Coordinate Bench and the order passed today, the competent authority is



directed to take into account the said findings, while considering any future applications of the Petitioner for furlough and not simply rely upon the registration of FIR No. 125/2021 to deny the said application.

11. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, 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.

MARCH 10, 2025/mt/AM **MANMEET PRITAM SINGH ARORA, J**

[Click here to check corrigendum, if any](#)