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

+ **W.P.(CRL) 810/2025**

PAWAN @ AMIT @ TINKU

.....Petitioner

Through: Mr. Rajneesh Bhaskar, Advocate
(DHCLSC) with Mr. Rachit Raushan,
Advocate

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amol Sinha, ASC for the State
with Mr. Kshitiz Garg, Mr. Nitish
Dhawan, Mr. Rahul Kochar, Ms.
Chavi Lazarus, Advocates

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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10.03.2025

1. The present petition has been filed seeking the grant of 2nd spell of furlough in FIR No. 44/2011, registered at Police Station ('P.S.') Anand Parbat, under Section 376/342 of Indian Penal Code, 1860 ('IPC'). The Petitioner was sentenced to life imprisonment and has already undergone approximately 13 years of actual incarceration, including remission.
2. On a prior occasion, the Petitioner's furlough was rejected by the Competent Authority on the ground that he had surrendered one day late in September 2024 after being granted furlough w.e.f. 17.08.2024. Specifically, the Petitioner was required to surrender on 08.09.2024 but surrendered on 09.09.2024, leading to the rejection of his request.



3. However, this Court, vide order dated 02.12.2024, found that the rejection of furlough on the stated ground of delay of one day was not justified in the facts and circumstances of the case. Consequently, furlough was granted to the Petitioner by the coordinate Bench vide order dated 02.12.2024 passed in W.P.(CRL) 3748/2024 for a period of three (3) weeks, subject to certain conditions.

4. Learned counsel for the Petitioner states that an application for a 2nd spell of furlough for two weeks was filed on 19.02.2025. However, the same was rejected on the very same day by DG of Prisons vide order reference No. F.10(3755090)/CJ/LEGAL/PHQ/2025/M-1641, citing the same reason as before—that the Petitioner had surrendered one day late (i.e., on 09.09.2024 instead of 08.09.2024). The rejection order states that the Petitioner violated the terms and conditions of his previous furlough granted on 17.08.2024, thereby disqualifying him from being granted a 2nd spell of furlough.

5. This Court finds that the competent authority has failed to take into consideration the order dated 02.12.2024 passed in W.P.(CRL) 3748/2024 where the said reason has been rejected. The relevant portion of the order read as under:

“3. The furlough has been rejected by the Competent Authority on the ground that petitioner had surrendered one day late when he was granted furlough, i.e. on 9th September 2024, when he ought to have surrendered on 8th September, 2024.

4. Counsel for petitioner points out that he had gone to his sister's house in Etawah, U.P. on the occasion of Rakhi and remained there till the date of surrender i.e. 8th September 2024. When he left for Delhi at around 08:00 A.M, the bus malfunctioned on the way and he reached Delhi at late hours at around 11:55 PM, and immediately rushed to Mandoli Jail but was told that he was late and he should



come in the morning. Thereafter, he surrendered at 09:30 AM in the morning.

5. In these facts and circumstances, the ground for rejection of furlough is not made out. Accordingly, the furlough is granted to the petitioner for a period of three weeks subject to the following conditions.”

6. In view of the aforesaid order, the competent authority fell in error in referring to one day delay. The impugned order dated 19.02.2025 is therefore erroneous and is hereby set aside.

7. Considering that the previous furlough had been directed by the co-ordinate bench this Court, pursuant to his plea on furnishing the personal bond of Rs. 10,000/- and a cash surety of the same amount, the same conditions are imposed herein as well. The other conditions shall be as directed vide order dated 02.12.2024:

(i) That he shall maintain peace and good behaviour during his period of release on Furlough.

(ii) That he will remain at his residence during the period of his release on furlough and his ordinary place of residence shall be:- H. No. 662, Gali No. 13, Nehru Nagar Anand Parbat, Delhi.

(iii) That he shall report at least once in a week to Police Station under which his ordinary place of residence falls, during the period of his release on furlough.

(iv) That he shall surrender to the Superintendent, Central Jail No.14, Mandoli, Delhi on the expiry of his period of release on furlough.

8. The competent authority is directed to take note that in view of the order dated 02.12.2024 passed by the Coordinate Bench, the competent



authority is precluded from relying on the delayed surrender of one day in September 2024 and therefore it should not refer or consider the said fact while adjudicating future applications of the Petitioner for furlough and/or parole.

9. With the aforesaid directions, the application stands disposed of.

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

MARCH 10, 2025/akp/hp

MANMEET PRITAM SINGH ARORA, J

Click here to check corrigendum, if any