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

+ **W.P.(CRL) 822/2025**

YOGESH BANSAL

.....Petitioner

Through: Ms. Sunita Arora (DHCLSC),
Advocate

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel
(CRL)
Insp. Susheel Sharma and SI Rajesh
Kumar, PS: Vijay Vihar

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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16.05.2025

CRL.M.A. 12858/2025 (for exemption)

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

CRL.M.A. 12857/2025 (for early hearing)

3. The present application has been filed under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking early hearing of writ petition bearing W.P. (CRL.) 822/2025 on behalf of the Petitioner.
4. For the reasons stated in the application, the early hearing allowed.

CRL.M.A. 10733/2025 (Application under Section 528 of the BNSS for recalling of the order dated 11.03.2025 passed in the subject writ petition)

5. The present application has been filed on behalf of the Applicant/Petitioner under Section 528 of the BNSS, seeking recall of the order dated 11.03.2025 passed in the underlying writ petition.
6. It is stated that the underlying writ petition was disposed of vide the order dated 11.03.2025 on the submission of the learned Standing Counsel



for the State that an identical petition (WP(CRL) 108/2025) for similar relief as sought in the underlying petition already stands filed prior in time.

7. It is stated that the WP(CRL) 108/2025 was filed seeking release of the Petitioner on 1st spell Furlough for a period of three (3) weeks. It is stated that the said Petition was disposed of vide order dated 15.01.2025 directing the Competent Authority to consider the said writ petition as application of the Petitioner for grant of 1st spell Furlough for a period of three (3) weeks.

7.1. It is stated that the Competent Authority rejected the prayer of the Petitioner on 07.02.2025. It is stated that it was against this order that the underlying writ petition was filed.

7.2. It is stated that therefore, when the order dated 11.03.2025 was passed there was no other writ petition pending seeking the similar relief of Furlough.

7.3. It is stated that in these facts the present application is moved seeking recall of the order dated 11.03.2025.

8. Issue notice. Learned Standing Counsel accepts notice. The submissions of the Petitioner are not controverted.

9. In view of the averments made in the present application and in the interest of justice, the application is allowed, the order dated 11.03.2025 is recalled and the W.P.(CRL) 822/2025 is restored to its original number.

W.P.(CRL) 822/2025

10. The present petition has been filed under Article 226 of the Constitution of India read with Section 528 of the BNSS impugning the order dated 07.02.2025 passed by the Competent Authority declining the Petitioner's application for grant of 1st spell of Furlough of three (3) weeks.



11. Learned counsel for the Petitioner states that the impugned order dated 07.02.2025 refers to the offence of the Petitioner being re-arrested on 21.04.2023 while the Petitioner was on interim bail and had jumped the interim bail on 15.03.2020 as the sole ground for the declining the 1st spell of Furlough of three (3) weeks.

11.1. She states that Petitioner was issued the punishment ticket dated 02.06.2023 for the said incident by the Competent Authority.

12. She states that the Petitioner was last enlarged on parole for two (2) weeks by this Court vide order dated 06.09.2024 passed in WP(CRL) 2420/2024 as the Competent Authority failed to decide the Petitioner's application dated 24.05.2024 seeking grant of parole. She states that the Petitioner duly surrendered in time on 10.10.2024.

13. She states that the Petitioner thereafter, in November, 2024 approached the Competent Authority for grant of Furlough but was told that an inmate requires Annual Good Conduct Report (AGCR) for three (3) continuous years for grant of Furlough as per Rule 1223 of the Delhi Prisons Rules, 2018. She states that the Competent Authority held that since the Petitioner did not have AGCR for 03 continuous years in view of the Punishment Ticket dated 02.06.2023, the Petitioner cannot be granted Furlough.

14. She states that in these facts the Petitioner has filed the present petition seeking grant of 1st Spell of Furlough for three (3) weeks.

14.1. She states that the Petitioner has been in custody for more than 11 years now, out of the total imprisonment of life sentence.

14.2. She states that during the pendency of the application filed for recall of the order dated 11.03.2025, the father of the Petitioner died on 16.04.2025



and therefore, the Petitioner is in genuine need of grant of relief sought in the present petition.

15. In reply, learned Standing Counsel states that the factum of death of the father of the Petitioner has been verified by Head Constable of Police Station (PS) Burari.

16. This Court has considered the submissions of the learned counsels for the parties and perused the record.

17. The Competent Authority in the impugned order while declining the relief sought by the Petitioner for grant of 1st spell of Furlough of three (3) weeks has only placed reliance on the punishment ticket dated 02.06.2023. It is a matter of record that the Petitioner was thereafter, granted parole by this Court vide order dated 06.09.2024 passed in WP(CRL) 2420/2024, and the Petitioner surrendered in time.

18. The death of the father of the Petitioner is a subsequent event and compelling enough to grant. The prayer for furlough is converted to the prayer for parole.

19. In view of the aforesaid facts, this Court is satisfied that Petitioner is entitled to grant of parole for 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 parole, the Petitioner shall report to the SHO, PS Burari, every Monday at 11:00 A.M., and will not be kept waiting for more than an hour.
- (ii) The Petitioner shall also provide the SHO, PS Burari, 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.

(iii) The Petitioner shall not leave the National Capital Territory of Delhi during the period of parole, 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 parole.

20. The issue of entitlement of the Petitioner for grant of furlough is kept open and has not been adjudicated upon.

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

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

23. 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.

MANMEET PRITAM SINGH ARORA, J

MAY 16, 2025/sk

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