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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 846/2025

PURAN PRASAD

.....Petitioner

Through: Mr. Siddharth Yadav,
Adv.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sanjeev Bhandari,
ASC for the State with Mr.
Arjit Sharma and Mr.
Nikunj Bindal, Advs. with
Insp. Manmeet Singh, PS
Khyala.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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02.04.2025

1. By the present petition, the petitioner seeks grant of first spell of furlough for current conviction year for a period of three weeks in FIR No. 280/2012, registered at Police Station Khyala, for offences under Sections 302/34 of the Indian Penal Code, 1860 (**IPC**).
2. The application filed by the petitioner was rejected by the respondent authorities by order dated 28.02.2025 essentially on the ground that on an earlier occasion when the petitioner was released on parole which extended due to onset of COVID-19 pandemic, the petitioner did not surrender on time and was rearrested on 26.08.2021.
3. The application was rejected citing Rule 1224(iii) of the Delhi Prison Rules, 2018, which stipulates that the prisoner who absconded while released on parole or furlough shall not be



eligible to be released on furlough.

4. Nominal Roll indicates that pursuant to the re-arrest of the petitioner, he was released on parole on four occasions pursuant to the orders passed by this Court.

5. Therefore, once this Court had, on subsequent occasion, directed release of the petitioner on parole, the conduct of the petitioner in not surrendering on time way back in the year 2021, has already been pardoned. The same cannot be a ground for dismissal of the application on subsequent occasions.

6. It is not the case of the respondent authorities that the petitioner, on subsequent occasion when he was released on parole, had not surrendered on time.

7. It is not the case of the State that there is some other reason for denying the benefit of furlough to the petitioner.

8. In view of the above, the present petition is allowed and the petitioner is directed to be released on first spell of furlough for a period of three weeks in FIR No. 280/2012, subject to the conditions that the Jail Authorities may feel appropriate to be put as conditions for his release. The Jail Authorities are directed to release the petitioner not later than two weeks from date.

AMIT MAHAJAN, J

APRIL 2, 2025

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