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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 862/2025**
ARJUN @ MONUPetitioner

Through: Mr. Siddharth Yadav, Advocate.
versus

STATE (NCT OF DELHI)Respondent
Through: Mr. Sanjay Lao, Standing Counsel
(Criminal).
SI Sandeep Yadav, P.S. Sadar Bazar,
Delhi.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
% **24.03.2025**

1. The present petition under Article 226 of the Constitution of India, seeks quashing of order bearing no. F.10(003774358)/CJ/LEGAL/PHQ/2025/M-949 dated 31st January, 2025¹, passed by the Director General of Prisons, Tihar, Delhi, declining the Petitioner's request for grant of 2nd Spell of Furlough for a period of two weeks in FIR bearing No 81/2010 under Section 302/34 of the Indian Penal Code, 1860,² P.S. Sadar Bazar.

2. The Impugned order reads as follows:

"ORDER

Sub: Regarding application for furlough to convict Arjun Monu s/o Subhash Chand in case FIR No. 81/2010, u/s 302/34 IPC, PS-Sadar

¹ "Impugned order"

² "IPC"



Bazar, Delhi.

Ref: F.11/SCJ-11/AS(CT)/2024/1545, dated:20.12.2024.

He was released on parole w.e.f. 22.07.2020 to 20.08.2020 granted by the Hon'ble High Court of Delhi which was extended time to time due to prevailing situation of covid-19 but he was arrested in fresh case FIR NO 37/2021, u/s 307/34 IPC, PS-Sadar Bazar, Delhi while he was on emergency parole. He has violated the condition of emergency parole. Hence, his request for furlough stands rejected.

The convict may be informed under proper acknowledgement.”

3. Counsel for Petitioner points out that this very reason was cited for declining the Petitioner's request for grant of 1st Spell of Furlough, which was considered by this Court in W.P.(CRL) 2543/2024. Upon review, this Court, on 4th October, 2024, granted furlough to the Petitioner.

4. Mr. Sanjay Lao, Standing Counsel (Criminal), for State, on the other hand, strongly opposes the present petition and submits that since the Petitioner had violated the conditions of emergency parole, his request for grant of furlough has been rightly rejected.

5. The Court has considered the aforementioned contentions. Indeed, the reasons for rejecting the furlough in the Impugned order, were the same that were considered by this Court on 4th October, 2024, when the Court observed as follows:

“3. Learned ASC (Crl.) for the State has, however, opposed the present petition by contending that the petitioner was earlier released on parole for a period of 30 days with effect from 22.07.2020 to 20.08.2020 which was extended on account of HPC Guidelines issued during the COVID-19 outbreak. The petitioner while being on parole was found to be involved in another case being FIR No.37/2021 registered under Section 307/34 IPC at P.S. Sadar Bazar, Delhi. Further, while opposing the present petition, he has referred to Sub-Rule (III) of Rule 1210 of the Delhi Prisons Rules, 2018. He, however, on instructions, states that the petitioner's address already stands verified.



4. *At this stage, learned counsel for the petitioner submits that the petitioner has already been released on bail in the aforesaid FIR and while referring to Rule 1223 states that no adverse remark has been made in the nominal roll against the petitioner in the last three years.*

5. *A copy of the Nominal Roll has been placed on record, a reading of which shows that no adverse remark has been noted against the petitioner and his jail conduct is also reported to be satisfactory.”*

6. Considering the foregoing and the fact that the Petitioner has already been released on bail in respect of the FIR No. 37/2021, the Respondent is directed to release the Petitioner on 2nd Spell of Furlough for a period of two weeks from the date of his release, on furnishing of a personal bond in the sum of INR 10,000/-, with one surety of the like amount, subject to the satisfaction of the Jail Superintendent/Trial Court/Duty Metropolitan Magistrate, and further subject to the following conditions:

i) During the period the Petitioner remains out on furlough, he will remain at his residence and shall report to the SHO of the concerned police station on every Saturday at 12:00 PM.

ii) The Petitioner shall also provide to the concerned SHO with mobile 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 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 or tamper with the evidence of the case.

(iv) The Petitioner is directed to surrender before the jail authorities at the expiry of the period of furlough.

7. With the above directions, the present petition is disposed of.



8. Copy of the order be sent to the concerned Jail Superintendent, for necessary information and compliance.

SANJEEV NARULA, J

MARCH 24, 2025

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