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

+ **W.P.(CRL) 873/2025**

IQBAL @ BILLI

.....Petitioner

Through: Mr. Hemant Singh and Ms. Urvashi
Jain, Advocates.

versus

STATE THROUGH SHO P.S DHAULA KUANRespondent

Through: Mr. Sanjay Lao, Standing Counsel
(Crl) with Mr. Abhinav Kr. Arya, Mr.
Priyam Agarwal and Mr. Aryan
Sachdeva, Advocates for State with
SI Yashpal, P.S.S.Campus.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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18.03.2025

CRL.M.A. 8208/2025 (Seeking Exemption)

1. Allowed, subject to just exceptions.
2. The Application stands disposed of.

W.P.(CRL) 873/2025

1. Writ Petition under Article 226 of the Constitution of India read with Section 582 BNSS has been filed against the Order dated 31.01.2025 *vide* which the Furlough Application of the Petitioner has been dismissed by Respondent.
2. It is submitted that the only ground for rejection is delay of one day in surrendering to the jail authority. The Apex Court (sic. High Court) had dismissed the Petition of the convict on 20.11.2024 and directed him to



surrender immediately but he did so only after a delay of one day i.e. 21.11.2024. It was thus concluded that he had violated the conditions of Furlough and the Application was rejected.

3. Learned Standing Counsel on behalf of the State submits that there is no infirmity in the Order of the Jail Superintendent.

4. **Submissions Heard and record perused.**

5. In the present case, the Petitioner seeks setting aside of order dated 31.01.2025 of the Jail Authorities, which reads as under: -

“That he was released on 13 days furlough w.e.f. 29.02.2024 to 13.03.2024 and he was granted stay from surrendering by the Hon'ble Apex Court. Further, the Hon'ble Apex court has dismissed the petition of the convict on 20.11.2024 and directed to surrender immediately but he surrendered late by 01 day on 21.11.2024. He has violated the condition of furlough. Hence, his request for furlough stands rejected.”

6. Reference may be made to Order dated 07.06.2019 *vide* which the Standing Order No. 01/2019 was modified to the extent that in case a warning is issued to a convict, he shall be eligible for Furlough.

7. In the present case, the Petitioner was awarded a punishment of warning as has also been recorded in the order dismissing his application for furlough on 31.01.2025. However, the same cannot be taken into account while dismissing application for grant of Furlough.

8. Thus, considering the overall facts and circumstances of the case, and that the Petitioner has already been granted Furlough for 13 days on previous occasion and has been in judicial custody for the past around 15 years, the Petitioner is granted furlough for a period of three weeks which is to be counted from the date of his release, on the following conditions: -



- i. The petitioner shall furnish a surety in the sum of Rs.10,000/- to the satisfaction of the Jail Superintendent.
 - ii. The petitioner shall report to the SHO of the local area once a week on every Sunday between 10:00 AM to 11:00 AM during the period of furlough.
 - iii. The petitioner shall furnish a telephone/mobile number to the Jail Superintendent as well as SHO of local police station, on which he can be contacted if required. The said telephone number shall be kept active and operational at all the times by the petitioner.
 - iv. Immediately upon the expiry of period of Furlough, the petitioner shall surrender before the Jail Superintendent.
9. In view of the above, the present petition stands disposed of.
10. A copy of this judgment be forwarded to the concerned Jail Superintendent for information and compliance.

NEENA BANSAL KRISHNA, J

MARCH 18, 2025

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