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

+ **W.P.(CRL) 902/2025**

ARUN CHAUHAN

.....Petitioner

Through: Mr. Aman Panwar, Advocate.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Ruplai Bandhopadhyaya, ASC for
the State with Mr. Abhijeet Kumar,
Advocate.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

20.03.2025

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CRL.M.A. 8448/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

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3. Writ Petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) has been filed on behalf of the Petitioner, Arun Chauhan to challenge the Order dated 23.01.2025, passed by the Office of the Director General (Prisons), Prison Headquarters: Tihar, New Delhi whereby the request of the Petitioner, to be released on Furlough on Cash Surety of Rs.20,000/-, has been rejected.
4. It is submitted on behalf of the Petitioner that he has been convicted



under Section 302 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*) and is undergoing Rigorous Imprisonment for life along with fine. He is in jail since for than ten years.

5. It is submitted that the Petitioner was granted First Bail of Furlough for a period of three weeks on furnishing two sureties of Rs.20,000/- *vide* Order dated 06.08.2024. On the Application of the Petitioner, dated 05.11.2024 for modification of the Order, the same was modified on 28.11.2024, when the requirement of two sureties, was reduced to one surety in the sum of Rs.10,000/- along with the personal bond of the same amount. Thereafter again, the Petitioner sought modification as he is not in a position to furnish the surety and may the Order may be modified. However, the said request of being released on cash surety, has been declined *vide* impugned Order dated 23.01.2025.

6. It is submitted that earlier, the father of the Petitioner used to stand as a surety for him, however, he has died on 04.06.2024. His mother is about 72 years old, who is completely bed ridden. There is no other person to stand surety for the Petitioner. The request is, therefore, made that he be released on cash surety.

7. It is further submitted that on the earlier occasion *vide* Order dated 20.09.2019, he had been released on furnishing a personal bond in the sum of Rs.4,000/- instead of a surety bond. He had duly complied with the terms and surrendered after the expiry of the Parole period.

8. It is, therefore, submitted that the impugned Order be modified and he be granted Furlough by furnishing a Cash Surety of Rs.20,000/-.

9. Learned **ASC for the State**, objects to the release of the Petitioner on cash surety.



10. Submissions heard and the record perused.

11. The Order of Furlough had been made in August, 2024 despite which the Petitioner has not been released on account of his difficulty to furnish two sureties as was initially directed and thereafter, one surety, which was directed to be furnished *vide* modified Order, dated 28.11.2024.

12. Considering the circumstances explained by the Petitioner that he is not in a position to furnish any surety and also that on earlier occasion *vide* Order dated 20.09.2019, he had been released on Cash Surety and that no terms have been violated by him, the Petition is allowed. 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 Cash Surety in the sum of Rs.20,000/-, in terms of the initial Order dated 26.08.2024, 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.

13. In view of the above, the present Petition stands disposed of.



14. A copy of this Order be forwarded to the concerned Jail Superintendent for information and compliance.

NEENA BANSAL KRISHNA, J

MARCH 20, 2025/RS