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

+ **W.P.(CRL) 918/2025**

SAHID @ BILLI S/O KALLU

.....Petitioner

Through: **Mr. Satyam Thareja, Adv. (DHCLSC)**
versus

STATE OF NCT OF DELHI

.....Respondent

Through: **Mr. Sanjay Lao, SC, (Crl.), Mr.
Abhinav Kr. Arya, Mr. Aryan
Sachdeva, Advs.
SI Yashpal, PS South Campus.**

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

21.03.2025

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1. This hearing has been done through hybrid mode.

CRL.M.A. 8642/2025(exemption)

2. Allowed, subject to all just exceptions. This application is disposed of.

W.P.(CRL) 918/2025

3. The present petition under Article 226 of the Constitution of India read with Section 528 of the BNSS has been filed seeking the following prayers: -

“a. Issue a writ or order in the nature of Certiorari quashing the furlough rejection order No. F. 10 (003491002)/CJ/LEGAL/PHQ/2025/965 dated 31.01.2025 as passed by the Respondent;

b. Issue a writ or order in the nature of Mandamus directing the respondent to release the petitioner on first spell of furlough for a period of three (03) weeks in case FIR No. 248/2010, PS: Dhaula Kuan, Delhi, Under Section: 376(2)(G)/365/506/34 IPC;

c. Pass any other order or further orders, which this Hon'ble Court deems fit and proper in the interest of justice;”

4. Learned counsel appearing on behalf of the petitioner submits that the



latter had filed an application on 02.01.2025 for grant of furlough before the competent authority, however, the same was rejected *vide* order F.10(003491002)/CJ/Legal/PHQ/2025/965 dated 31.01.2025. The said order reads as under: -

“Ref: F.I/SCJ-1/AS(CT)/2025/13, Dated: 02.01.2025.

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.

The convict may be informed under proper acknowledgment”

5. He further submits that the main ground for rejecting the said application was delay in surrender. It is further submitted that the petitioner was granted furlough and parole on earlier occasions and he had not misused the liberty granted to him besides the aforesaid fact of delay in surrender.

6. It is further submitted that the petitioner was released on furlough for a period of 2 weeks w.e.f. 15.01.2024 to 06.02.2024 and the same was extended from time to time in pursuance of the directions given by the Hon'ble Supreme Court. However, the Hon'ble Supreme Court had, thereafter, directed him to surrender immediately and the petitioner filed a petition being **W.P.(CRL) 3621/2024** before a Coordinate Bench of this Court which was dismissed on 20.11.2024 and the petitioner was directed to surrender on the same day, i.e., 20.11.2024. However, the petitioner surrendered before the Jail Authorities on 21.11.2024. It is the case of the petitioner that the said delay in surrendering was inadvertent.

7. *Per contra*, learned Standing Counsel for the State has opposed the present petition as the petitioner has surrendered after a delay of 1 day despite



the directions given by the Hon'ble Supreme Court as well as this Court and has thus, become ineligible for grant of further relief of furlough.

8. Heard learned counsel for the parties and perused the record.

9. Perusal of the nominal roll dated 10.02.2025 shows that the present petitioner, as on 07.02.2025, has undergone incarceration for more than 15½ years including the remissions earned by him during the said custody period. It further shows that he was released on parole and furlough on earlier occasions and he has not misused the liberty granted to him and has duly surrendered after the expiry of the same. So far as the delay of 1 day in surrender on 21.11.2024 is concerned, the nominal roll shows that the petitioner was warned to be careful in the future. Nominal roll further shows that his conduct for the last one year has been satisfactory.

10. In the totality of the facts and circumstances of the case, the present petition is allowed and the petitioner is directed to be released on furlough for a period of 3 weeks, from the date of his release, on his furnishing a personal bond of Rs. 25,000/- along with one surety of the like amount to the satisfaction of the concerned Jail Superintendent, further subject to following conditions: -

- i. The memo of parties shows that the petitioner is a resident of Village Dhauj, Billa Colony, Sector-55, Faridabad, Haryana. He shall report to the SHO of the local Police Station in his village on every Sunday between 10:00 AM to 11:00 AM during the period of furlough and the concerned Officer shall release him after completion of necessary formalities.
- ii. The petitioner shall remain at his native village and not leave the country during the period of furlough, without the prior permission of



this Court.

iii. The petitioner shall furnish a telephone/mobile number to the Jail Superintendent as well as SHO of the local Police Station in his village, 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. 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.

v. The petitioner is directed to surrender before the jail authorities after the expiry of the period of furlough.

11. The petition is allowed and disposed of accordingly.

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

13. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

MARCH 21, 2025/kr

Click here to check corrigendum, if any