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

+ **W.P.(CRL) 921/2025 & CrI.M.A. 8657/2025**

MOHD. JULKAR NAIN ANSARIPetitioner

Through: **Mr. Vivek Punia, Advocate**
(DHCLSC)

Versus

STATE OF NCT OF DELHIRespondent

Through: **Mr. Rahul Tyagi, Additional**
Standing Counsel with Mr.
Sangeet Sibon, Advocates with SI
Hemant Kumar

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
21.03.2025

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1. The present Petition under Article 226 of the Constitution of India read with Section 528 of *Bhartiya Nagrik Suraksha Sanhita, 2023* has been filed on behalf of the Petitioner seeking setting aside of Rejection Order No. F.10(003741952)/CJ/LEGL/ PHQ/2025/M-2124 dated 05.03.2025 passed by the Office of the Director General (Prisons), Prison Headquarters, Tihar, New Delhi, whereby his Application for modification of *furlough Order* dated 01.01.2025 to released him on furnishing cash Surety of Rs.10,000/- instead of one Surety, has been dismissed.

2. Petitioner's request for his release on *second spell of furlough* was allowed *Vide* Order dated 01.01.2025 and he was granted *furlough* for



two weeks, on his furnishing a Personal Bond of Rs.10,000/- with One Surety of like amount, to the satisfaction of the Jail Superintendent.

3. It is submitted in the Application that earlier, Petitioner had been released on *furlough* four times and had furnished two Sureties twice of his real brother and brother-in-law, who stood Surety for him. His brother-in-law has now refused to stand Surety for him and his brother has shifted to Dubai, and so he is unable to stand Surety. Hence, there is no one to stand surety for him.

4. The Petitioner has submitted that his family has not visited him since 2022 and despite grant of *furlough*, he is not able to avail it due to circumstances beyond his control and he is ready to furnish Cash Surety in the sum of Rs.10,000/- for his release.

5. Learned Additional Public Prosecutor for Respondent-State has appeared on advance Notice and he submits that the impugned Order has been passed in accordance with the law.

6. Considering the totality of circumstances and the fact that on earlier two occasions also Petitioner was granted *furlough* on Cash Surety, the impugned Order dated 05.03.2025 is hereby set aside and the Order dated 01.01.2025 is modified to the extent that instead of furnishing one Surety in the sum of Rs.10,000/-, the “Petitioner be released on furlough on his furnishing a personal bond in the sum of Rs.10,000/- with Cash Surety in the like amount”.

7. With aforesaid, the present Petition and pending Application are accordingly disposed of.

NEENA BANSAL KRISHNA, J

MARCH 21, 2025/r