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

+ **W.P.(CRL) 969/2025**

AMAN SHARMA

.....Petitioner

Through: Ms. Gayatri Nandwani and Ms.
Mudita Sharda, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Rupali Bandhopadhyay, ASC.
and Mr. Abhijeet Kumar, Adv.
Insp. Dinesh Kumar, PS Janak Puri.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

26.03.2025

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1. This hearing has been done through hybrid mode.

CRL.M.A. 9110/2025(exemption)

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

W.P.(CRL) 969/2025

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 in the nature of Certiorari thereby quashing the Punishment Ticket dated 26.10.2024 issued against the Petitioner; and/or

b) Issue a writ in the nature of Certiorari thereby quashing the order of rejection of Furlough passed by the Respondent and issue a writ in the nature of Mandamus directing the Respondent to release the Petitioner on Furlough for a period of 03 (three) weeks from the date of his release; and/or

c) Pass any other order/orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”



4. Learned counsel appearing on behalf of the petitioner submits that the latter had filed an application on 26.12.2024 for grant of furlough before the competent authority, however, the same was rejected *vide* order F.10(003757179)/CJ/Legal/PHQ/2025/M-1144 dated 07.02.2025. The said order reads as under: -

“Ref: F.11/SCJ-11/AS(CT)/2024/1563, Dated: 26.12.2024.

I. As per Standing Order 01/2019, “If a convict avails furlough regularly and commit jail offence and a warning is recorded against him, then he shall be eligible for furlough after a gap of one year from the date of punishment.” As a warning dated 26.10.2024 has been issued against the convict for violation of prison rules an furlough is purely an incentive for maintaining good conduct, therefore, his request for furlough cannot be acceded to.

The convict may be informed under proper acknowledgment”

5. She further submits that the main ground for rejecting the said application was the commission of jail offence and issuance of punishment ticket regarding the same to the petitioner. It is further submitted that after the said punishment ticket was issued to the petitioner, he was released on furlough for a period of 3 weeks in pursuance of the directions of the competent authority. It is further submitted that the petitioner was released on parole on an earlier occasion and he had not misused the liberty granted to him.

6. It is further submitted that the punishment ticket dated 26.10.2024 was issued to the petitioner when he was unable to show the permission and give satisfactory answers for cooking *paneer* (cottage cheese) in the *langar*.

7. *Per contra*, learned Additional Standing Counsel for the State has opposed the present petition as the petitioner had committed a jail offence and had been issued a punishment ticket regarding the same 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 04.03.2025 shows that the present petitioner, as on 03.03.2025, has undergone incarceration for more than 14 years including the remissions earned by him during the said custody period. Insofar as the punishment ticket issued to the petitioner is concerned, the punishment ticket shows that on 03.12.2024, after hearing the petitioner, the concerned authority had warned him with the direction that in future such a thing must be brought to the notice of jail officers and their permission must be sought. The relevant portion of the warning issued to the petitioner reads as under: -

“Heard. He submitted that some milk had turned sour & they converted the same into paneer which was cooked. Had they not cooked the same day it would have been turned stale. Warned with the direction that in future such things be brought to notice of jail officers & seek their permission.”

10. In view of the fact that the petitioner has already been warned regarding his conduct and that the same was a minor inadvertent mistake, the punishment ticket dated 26.10.2024 awarded to the present petitioner is set aside.

11. Perusal of the nominal roll further shows that he was granted furlough for a period of 3 weeks, w.e.f., 28.10.2024 to 19.11.2024, by the competent authority after the aforesaid punishment ticket was issued to him and he has not misused the liberty granted to him and had duly surrendered after the expiry of the same. Nominal roll further shows that his conduct for the last one year has been satisfactory and he has been allotted labour of ‘*Adalat Sahayak*’.



12. 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 second spell of furlough for a period of 2 weeks, from the date of his release, on his furnishing a personal bond of Rs. 10,000/- along with one surety of the like amount to the satisfaction of the concerned Jail Superintendent, further subject to following conditions: -

- i. The petitioner shall not leave the State NCT of Delhi during the period of furlough without the prior permission of this Court.
- ii. The petitioner shall report to the SHO Police Station Uttam Nagar 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.
- iii. The petitioner shall furnish a telephone/mobile number to the Jail Superintendent as well as SHO of the Police Station Uttam Nagar, 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.

13. The petition is allowed and disposed of accordingly.

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



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

AMIT SHARMA, J

MARCH 26, 2025/kr/ns

Click here to check corrigendum, if any