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

+ **W.P.(CRL) 1126/2025**

RAM @ RAMDASS

.....Petitioner

Through: Mr. Satyam Thareja,
Advocate from DHCLSC
with Mr. Shikhar Yadav
and Mr. Shaurya Katoch,
Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Standing
Counsel with Ms. Priyam
Aggarwal and Mr.
Abhinav Kumar Arya,
Advocates.
SI Jitender Kumar, PS
Nangloi.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

08.04.2025

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1. The present petition is filed seeking first spell of furlough for a period of three weeks in FIR No. 163/2008 registered at police station Nangloi for the offence under Section 302 of the Indian Penal Code, 1860.
2. The application filed by the petitioner seeking furlough was rejected by order dated 14.02.2025 ('**impugned order**') passed by the Respondent Authority, noting that on an earlier occasion, when the petitioner was released on parole on 12.03.2021, he had not surrendered and was re-arrested on 12.07.2021 in FIR no. 647/2021 under Sections 25 of the Arms Act, 1959 registered at police station Punjabi Bagh.
3. The nominal roll indicates that the conduct of the petitioner has not been satisfactory. He was released on parole on 12.03.2021 and was required to surrender on or before 22.04.2021. He was thereafter found to be involved in other



cases in FIR No. 647/2021, and was re-arrested.

4. It is however pertinent to note that this Court in W.P.(CRL.) 384/2024 by order dated 17.09.2024 directed release of the petitioner on parole for a period of four weeks. It is not disputed that the petitioner thereafter surrendered on time.

5. In view of the above, even though this Court finds no infirmity in the order passed by the Respondent Authority rejecting the application for furlough in terms of Rule 1244 (iii) of the Delhi Prison Rules, 2018, which specifically provides that prisoners who absconded while released on parole or furlough and re-arrested shall not be eligible to be released on furlough, however, considering that the past conduct of the petitioner was taken note of by this Court and the petitioner was directed to be released on parole by order dated 17.09.2024, the said ground cannot be an impediment in directing the release of the petitioner on first spell of furlough for a period of three weeks. The order passed by the Court in W.P.(CRL.) 384/2024 is not challenged by the Respondent Authority.

6. In view of the above, the impugned order is set aside and the Respondent Authority is directed to pass a fresh order without being influenced by the past conduct of the petitioner in not surrendering after his release on parole on 12.03.2021.

7. The Respondent Authority is directed to pass a fresh order within a period of three weeks.

8. The petition stands disposed of with the aforesaid observations.

AMIT MAHAJAN, J

APRIL 8, 2025

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