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

+ **W.P.(CRL) 1188/2025**

SANJAY

.....Petitioner

Through: Ms. Naim J. Heena, Advocate.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amol Sinha, Ld. ASC for State
with Mr. Kshitiz Garg, Mr. Ashvini
Kumar, Mr. Nitish Dhawan and Ms.
Sanskriti Nimbekar, Advocates and
with SI Rakesh Kumar P.S. Narela.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

16.04.2025

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CRL.M.A. 11311/2025 (Seeking Exemption)

1. Allowed, subject to just exceptions.
2. The Application stands disposed of.

W.P.(CRL) 1188/2025

3. A Writ Petition under Article 226 of the Constitution of India read with Section 528 BNSS has been filed for release of Petitioner on furlough for three weeks in FIR No.197/2010 under Section 302/364-A IPC Police Station Narela.
4. It is submitted that the petitioner has applied for furlough of three weeks on 31.01.2025, but his Application has been rejected on the account



that pursuant to the directions of the Apex court dated 01.10.2024 the Petitioner failed to surrender himself within time and was re-arrested on 17.12.2024 i.e. after two months.

5. It is submitted that the conduct of the Petitioner in custody has never been found objectionable and there is nothing adverse ever recorded. He is in incarceration for around 14 years and has unblemished jail record and deserves to be released on furlough like other inmates. He has earned three Annual Good Conduct Reports. As per Rule 1223 a person who has good conduct Report in the last three years and continues to maintain good conduct is not a habitual offender and would be entitled to furlough. He has already been granted furlough four times and has not misused his liberty. His family consists of his wife and he got married on 28.10.2024. Since his re-arrest, the wife is residing with her parents. She is three months pregnant and except the Petitioner there is none to take care of her. The family of the Petitioner also consists of her elder brother and wife. He has fulfilled all the eligibility criteria for grant of furlough as per Delhi Prison Rules, 2018.

6. It is further submitted that in similar circumstances the furlough has been granted in Writ Petition (Crl.) 333/2025 titled '*Gaurav Chadha vs. State of NCT of Delhi*'. He is the Store Sahayak in Jail No.3 and is willing to abide by all the terms and conditions.

7. Learned ASC has objected to the grant of furlough on the ground that it was not a delay of one or two days but of two months and that too the Petitioner did not surrender but had been re-arrested.

8. Submissions heard and record perused.

9. The delay of about two months in surrendering cannot be a ground to deny the furlough especially considering his good conduct in the jail and his



family circumstances. He is granted first spell of furlough for a period of three weeks, on the following terms and conditions:

- i. The petitioner shall furnish a Personal Bond in the sum of Rs.10,000/- with one surety of the like amount, 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. The Petitioner shall ordinarily reside at the address mentioned in the petition.
- v. Immediately upon the expiry of period of furlough, the Petitioner shall surrender before the Jail Superintendent.
- vi. The period of furlough shall be counted from the day when the Petitioner is released from jail.

10. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

APRIL 16, 2025/va