



\$~9

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

+ **W.P.(CRL) 1198/2024**

SONI

.....Petitioner

Through: Mr. Ratik Sharma, Advocate.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sanjay Lao, SC for the State

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

24.03.2025

%

[Physical Hearing/Hybrid Hearing (as per request)]

1. The petitioner has assailed order dated 11.04.2023 whereby his request for being released on furlough for a period of three weeks in case FIR No. 247/2016 of PS Harsh Vihar for offences under Sections 376(2)(f)(i) IPC and Section 6 POCSO Act has been rejected. The petitioner was convicted for having raped his daughter, minor in age, who is now living in their native place with her grandparents. On last date, the learned Standing Counsel on the basis of Status Report disclosed that the address given by the petitioner as his residence address was in fact a tenanted property and the same stands vacated. On last date, before the predecessor bench the petitioner took time to furnish a fresh address where he would reside if released on furlough, but that address has not been disclosed.
2. Learned Standing Counsel argues and rightly so that irrespective of fresh address, this is certainly not a fit case to grant furlough, which was



also the reason in the impugned order.

3. Learned counsel for petitioner in all fairness does not dispute the legal position that right to furlough is not an absolute right. The court dealing with a furlough application cannot completely ignore the nature of offence for which the furlough applicant was convicted. As mentioned above, here is an applicant for furlough, who raped his own daughter. More importantly, in view of the circumstances of this case, there is no scope left for the petitioner to seek opportunity to maintain social ties.

4. I am unable to find it a fit case to grant furlough. Therefore, the petition is dismissed.

GIRISH KATHPALIA, J

MARCH 24, 2025/tp

[Click here to check corrigendum, if any](#)