



2025:DHC:4383



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of decision: 26.05.2025**

+ W.P.(CRL) 1297/2025

DEVENDRI ALIAS SUNITA

.....Petitioner

Through: Mr. Aman Panwar (DHCLSC)
with Mr. Shrey Kuldeep
Brahmbhatt, Advs.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Standing
Counsel for State.**CORAM:****HON'BLE MS. JUSTICE SHALINDER KAUR****SHALINDER KAUR, J (ORAL)**

1. By way of the present petition under Article 226 of the Constitution of India read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), the petitioner assails the Order dated 11.02.2025 passed by Director General of Prisons, Government of NCT of Delhi, Prison Headquarters, Tihar, Janakpuri, New Delhi, whereby his request for the grant of furlough for a period of three weeks was rejected. She also seeks the grant of furlough for a period of 03 weeks in FIR No. 486/2002 for offences under Sections 365, 396 and 412 of the Indian Penal Code, 1860 (IPC) registered at Police Station Kalyan Puri.

2. The learned counsel for the petitioner submits that the petitioner was convicted by the learned Additional Sessions Judge, Shahdara, Karkardoma Courts, Delhi and was sentenced to undergo a sentence of rigorous imprisonment for life along with a fine of Rs. 8,000/- for



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the offence under Section 365, 396 and 412 of the IPC *vide* order dated 09.10.2007.

3. The learned counsel for the petitioner further submits that the petitioner is presently lodged in Central Jail No. 6, Tihar, New Delhi, and has already undergone incarceration for a period of around 20 years out of the sentence of imprisonment for life.

4. He submits that the petitioner's request for furlough was denied by the Competent Authority *vide* order dated 11.02.2025 on the ground that on 01.10.2024, the Supreme Court had directed the petitioner to surrender immediately, but she had surrendered on 18.11.2024, i.e, belatedly by a period of 01 month and 17 days and thereby had violated the terms and conditions of furlough granted *vide* order dated 10.11.2023. He, however, contends that the Jail Authorities have misinterpreted the Supreme Court's order. More so, she had been granted extension from time to time and had duly surrendered within time, as extended by the Supreme Court.

5. The learned counsel for the petitioner submits that the petitioner, being the sole grandparent, has to fulfil her duties and responsibilities towards her two granddaughters, as their father has passed away, and she needs to be present during their admission to school. The petitioner and her husband have been separated for over ten years now, and there is no one else in the family to look after her granddaughters, who are presently residing with their mother.

6. The learned Standing Counsel for the State fairly concedes to the aforesaid position and submits that he has no objection to the petitioner being released on furlough for a period of three weeks.



7. Having heard learned counsel for the petitioner as well as learned Standing Counsel for the State, this Court finds that, as per the Nominal roll dated 16.05.2025, the petitioner has undergone more than 20 years of incarceration and has been working as 'Gardening Sahayak' in the jail.

8. In this context, it is pertinent to refer to Rules 1197 and 1200 of the Delhi Prison Rules, 2018, which set out the objectives to be achieved through parole and furlough. Relevant extracts thereof are reproduced herein below:

"1197. Parole and Furlough to inmates are progressive measures of correctional services. The release of prisoner on parole not only saves him from the evils of incarceration but also enables him to maintain social relations with his family and community. It also helps him to maintain and develop a sense of self-confidence. Continued contacts with family and the community sustain in him a hope for life. The release of prisoner on furlough motivates him to maintain good conduct and remain disciplined in the prison.

1200. The objectives of releasing a prisoner on parole and furlough are:

- i. To enable the inmate to maintain continuity with his family life and deal with familial and social matters,*
- ii. To enable him to maintain and develop his self-confidence,*
- iii. To enable him to develop constructive hope and active interest in life,*
- iv. To help him remain in touch with the developments in the outside world,*
- v. To help him remain physiologically and psychologically healthy,*
- vi. To enable him to overcome/recover from the stress and evil effects of incarceration, and*
- vii. To motivate him to maintain good conduct and discipline in the prison..."*

9. It is important to note that it is crucial for a convict to maintain social and family ties. The grant of furlough to a convict undergoing



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prolonged incarceration helps him to maintain and develop a sense of self-confidence and motivates him to remain disciplined in prison.

10. In the present case, the petitioner needs to fulfill her familial duties and responsibilities toward her two granddaughters.

11. In view of the conspectus of the facts and circumstances the petitioner is directed to be released on Furlough for a period of three weeks from the date of his release, subject to the following conditions:

- a)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.
- b)The Petitioner shall not leave the NCT of Delhi without prior permission of this Court.
- c)The petitioner shall report to the SHO of the local Police Station once a week on every Thursday between 04:00 PM to 06:00 PM during the period of Furlough.
- d)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.
- e)The petitioner shall surrender his passport, if any, before the concerned Jail Superintendent, which shall be released upon his surrender.



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f)Immediately upon the expiry of period of Furlough,
the Petitioner shall surrender before the Jail
Superintendent.

12. Accordingly, the petition stands disposed of.

13. A copy of this order be sent to the concerned Jail
Superintendent for necessary information and compliance.

SHALINDER KAUR, J

MAY 26, 2025/sds/SK

Click here to check corrigendum, if any