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

+ W.P.(CRL) 697/2022

BUDHI SINGH

.....Petitioner

Through: None.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Rupali Bandhopadhya,
ASC with Mr. Abhijeet Kumar
and Ms. Amisha Gupta,
Advocates.

Mr. Rahul Tyagi, ASC (CRL),
Mr. Karan Grover, Mr.
Priyansh Raj Singh Senger and
Mr. Aniket Kumar Singh, Advs.

44

+ W.P.(CRL) 1044/2022

SURESH CHAND SHARMA

.....Petitioner

Through: Mr. Rohan J. Alva, (DHCLSC)
and Mr. Anant Sanghi, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Rupali Bandhopadhya,
ASC with Mr. Abhijeet Kumar
and Ms. Amisha Gupta,
Advocates.

Mr. Rahul Tyagi, ASC (CRL),
Mr. Karan Grover, Mr.
Priyansh Raj Singh Senger and
Mr. Aniket Kumar Singh, Advs.

45

+ W.P.(CRL) 1067/2022

JAI PAL SINGH

.....Petitioner

Through: Mr. Arjun Malik, Advocate.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Rupali Bandhopadhya,
ASC with Mr. Abhijeet Kumar



and Ms. Amisha Gupta,
Advocates.

Mr. Rahul Tyagi, ASC (CRL),
Mr. Karan Grover, Mr.
Priyansh Raj Singh Senger and
Mr. Aniket Kumar Singh, Advs.

46

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W.P.(CRL) 997/2022
BASANT VALLABH

.....Petitioner

Through: None.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Rupali Bandhopadhy,
ASC with Mr. Abhijeet Kumar
and Ms. Amisha Gupta,
Advocates.

Mr. Rahul Tyagi, ASC (CRL),
Mr. Karan Grover, Mr.
Priyansh Raj Singh Senger and
Mr. Aniket Kumar Singh, Advs.

47

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W.P.(CRL) 2835/2024
RAMESH @ GUDDU

.....Petitioner

Through: Mr. Arjun Malik, Advocate.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Rahul Tyagi, ASC (CRL),
Mr. Karan Grover, Mr.
Priyansh Raj Singh Senger and
Mr. Aniket Kumar Singh, Advs.
Mr. Rahul Tyagi, ASC (CRL),
Mr. Karan Grover, Mr.
Priyansh Raj Singh Senger and
Mr. Aniket Kumar Singh, Advs.
SI Naresh Kumar, PS.
Bindapur.

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- 49
- + W.P.(CRL) 299/2024
LOKESHPetitioner
- Through: None.
versus
STATE (G.N.C.T. OF DELHI)Respondent
- Through: Ms. Rupali Bandhopadhyaya,
ASC with Mr. Abhijeet Kumar
and Ms. Amisha Gupta,
Advocates.
Mr. Rahul Tyagi, ASC (CRL),
Mr. Karan Grover, Mr.
Priyansh Raj Singh Senger and
Mr. Aniket Kumar Singh, Advs.
- + W.P.(CRL) 1861/2023
KARAMBIRPetitioner
- Through: Mr. Rohan J. Alva, (DHCLSC)
and Mr. Anant Sanghi,
Advocates.
- versus
STATE OF NCT OF DELHIRespondent
- Through: Mr. Amol Sinha (ASC Criminal
for State) along with Mr.
Kshitiz Garg, Mr. Ashvini
Kumar, Ms. Chavi Lazarus, Mr.
Nitish Dhawan and Ms.
Sanskriti Nimbekar, Advs.
Mr. Rahul Tyagi, ASC (CRL),
Mr. Karan Grover, Mr.
Priyansh Raj Singh Senger and
Mr. Aniket Kumar Singh, Advs.
- 50
- + W.P.(CRL) 18/2024
KISHAN LALPetitioner
- Through: None.
versus
STATERespondent
- Through: Mr. Rahul Tyagi, ASC.



Mr. Rahul Tyagi, ASC (CRL),
Mr. Karan Grover, Mr.
Priyansh Raj Singh Senger and
Mr. Aniket Kumar Singh, Advs.
SI Mohan Lal Delu, PS Alipur.

51

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W.P.(CRL) 2257/2024
HAMBIR SINGH

.....Petitioner

Through: None.
versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Rupali Bandhopadhyia,
ASC with Mr. Abhijeet Kumar
and Ms. Amisha Gupta,
Advocates.

Mr. Rahul Tyagi, ASC (CRL),
Mr. Karan Grover, Mr.
Priyansh Raj Singh Senger and
Mr. Aniket Kumar Singh, Advs.

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W.P.(CRL) 2363/2024, CRL.M.A. 23063/2024
INDERJEET

.....Petitioner

Through: Mr. Archit Upadhayay, Adv.
(DHCLSC)

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Rupali Bandhopadhyia,
ASC with Mr. Abhijeet Kumar
and Ms. Amisha Gupta,
Advocates.

Mr. Rahul Tyagi, ASC (CRL),
Mr. Karan Grover, Mr.
Priyansh Raj Singh Senger and
Mr. Aniket Kumar Singh, Advs.

53

+

W.P.(CRL) 4080/2024
YOGESH SHARMA @YOGI

.....Petitioner

Through: None.



versus
STATE (NCT OF DELHI)Respondent
Through: Ms. Rupali Bandhopadhyia,
ASC with Mr. Abhijeet Kumar
and Ms. Amisha Gupta,
Advocates.
Mr. Rahul Tyagi, ASC (CRL),
Mr. Karan Grover, Mr.
Priyansh Raj Singh Senger and
Mr. Aniket Kumar Singh, Advs.

CORAM:
HON'BLE MR. JUSTICE VIVEK CHAUDHARY
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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30.07.2025

1. The learned Additional Standing Counsel (ASC) for the State submits that *vide* Order dated 15.07.2025, the Co-ordinate Bench of this Court has disposed of the Criminal References bearing Nos. 1/2025 to 11/2025, wherein it examined four critical issues pertaining to the interpretation of 'Note 2' to Rule 1224 of the Delhi Prison Rules, 2018.
2. The learned ASC submits that this Court in the said Judgment has held that the Note 2 to the said Rule cannot be construed to preclude such prisoners from applying for *furlough* or *parole* solely due to the pendency of their Criminal Appeal or Special Leave Petition before the Supreme Court. It has also held that the mere pendency of an appeal before the Supreme Court cannot be an absolute bar to *furlough* and that each case must be assessed on its own merits, subject to the eligibility criteria under the Rules and ambit of judicial review under Article 226 of the Constitution of India. This



Court has further held that the jurisprudence developed in relation to *parole* is equally applicable to *furlough*, as the latter does not amount to Suspension of Sentence and has set aside the Order dated 03.07.2023 passed by the learned Single Judge insofar as it interpreted the term “*High Court*” in Note 2 to Rule 1224 to include the “*Supreme Court*,” holding that such interpretation is legally unsustainable.

3. He submits that the ground cited in the Impugned Orders rejecting the applications of the petitioners for grant of *furlough* and *parole*, except in W.P. (CRL) 697 of 2022 titled as ‘***Budhi Singh vs State of NCT of Delhi***’, was the pendency of the Special Leave Petition/Criminal Appeal before the before the Supreme Court. In view of the fact that the Reference has now been answered, he submits, it is appropriate that the Appropriate/Administrative Authority should hear the said applications and dispose them of accordingly.

4. The learned counsels for the petitioners, accordingly, submit that these petitions be directed to be treated as representations for grant of *furlough* and *parole*, respectively, to be disposed of in an expeditious manner by the Appropriate/Administrative Authority.

5. As regards W.P. (CRL) 2257 of 2024 titled ‘***Hambir Singh vs. State of NCT of Delhi***,’ the contentions raised and the relief sought challenging the constitutional validity of the Note 2 to Rule 1224 of the Delhi Prison Rules, 2018, stand addressed by the Co-ordinate Bench of this Court in response to the References; hence, nothing further survives for adjudication in the present petition. However, the



petitioner is at liberty to approach the Appropriate/Administrative Authority, with an appropriate application, in accordance with law, if so advised.

6. Even in W.P. (CRL) 697 of 2022 titled '***Budhi Singh vs. State of NCT of Delhi***', the learned counsel seeks and is granted liberty to approach the Appropriate/Administrative Authority with an appropriate application, in accordance with law.

7. In view of the above, let the petitions by other petitioners except for Hambir Singh and Budhi Singh be treated as representations to be considered by the Appropriate/Administrative Authority. Needless to say, the representations by the petitioners and fresh petitions, if moved, be decided expeditiously and in accordance with law.

8. In view of the aforesaid directions, nothing survives in the present petitions before this Court and are accordingly disposed of.

9. A copy of this Order be sent to the Deputy Inspector General of Prisons for information and necessary compliance.

VIVEK CHAUDHARY, J

SHALINDER KAUR, J

JULY 30, 2025/SU/KP