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

+ **W.P.(CRL) 1477/2025**

ANIL KUMAR

.....Petitioner

Through: **Mr. Siddharth Yadav, Advocate.**

versus

STATE (NCT OF DELHI)

.....Respondent

Through: **Mr. Amol Sinha, ASC for State with
Mr. Kshitiz Garg, Mr. Ashvini
Kumar, Mr. Nitish Dhawan, Mr.
Manan Wadhwa, and Mr. Anshul
Sharma, Advocates.
SI Satyander, PS. SP Badli.**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

05.12.2025

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1. The Petitioner is a convict serving life sentence in FIR No. 404/2010, registered at P.S. S.P. Badli, under Sections 302/392/394/397/414//34/120B of the Indian Penal Code, 1860¹. The appeal, being CRL.A. 114/2021, against the said conviction was dismissed by this Court on 31st October, 2022. The Special Leave Petition, being SLP (CRL.) Diary No. 13951/2023, was dismissed by the Supreme Court on 19th October, 2023.

2. His request for furlough was declined by order No. F.10(003474280)/CJ/LEGAL/PHQ/2025/M-1836 dated 27th February, 2025 on the ground that he stands convicted in two other cases and, therefore,



falls within the category of a “*habitual offender*”, rendering him ineligible for furlough in terms of Rule 1223 of the Delhi Prison Rules, 2018.

3. By this petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023² (corresponding to Section 482 of the Code of Criminal Procedure, 1973³), the Petitioner seeks quashing of the aforesaid order and grant of the first spell of furlough for a period of 3 weeks.

4. Mr. Siddharth Yadav, counsel for the Petitioner, submits that the impugned order proceeds on an erroneous interpretation of Rule 1223, which, if applied in this manner, would permanently bar the Petitioner from ever availing furlough. It is contended that the Petitioner has been in custody since 2011 and has been released on parole previously with no misconduct reported during such periods. Mr. Yadav argues that the Petitioner cannot be branded a habitual offender solely on account of past convictions when he has already undergone the substantive sentences imposed in those cases. It is further submitted that the Petitioner has completed more than 14 years, without including the period of remission earned. It is prayed that furlough be granted so that the Petitioner may maintain and strengthen social and familial ties.

5. On the other hand, Mr. Amol Sinha, ASC for the State, submits that the rejection order does not suffer from any infirmity as the Petitioner has been convicted in two previous cases, thereby attracting the disqualification contained in Rule 1223 of the Delhi Prison Rules. It is further pointed out that his overall jail conduct is unsatisfactory in view of the several

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² “BNSS”



punishments imposed upon him in earlier years.

6. The Court has considered the aforementioned contentions and perused the material on record.

7. Rule 1223 of the Delhi Prison Rules defines “*habitual offender*” as follows:

“HABITUAL OFFENDER or *habitual Criminal* means –

(i) Any person convicted of an Offence whose previous conviction or conviction under Chapter XII, XVI, XVII of the Indian Penal Code, 1860 taken by themselves or with the facts of the present case show that habitually commits an Offence or Offence punishable under any or all of the previous mentioned chapters;

(ii) Any person committed to or detained in Prison under section 22 (read with section 110) of the Code of Criminal Procedure, 1973;

(iii) Any person convicted of any of the Offences specified in (i) above when it appears from the facts of the case even although no previous conviction has been proved that he is by habit a member of a gang of dacoits, or of thieves or a dealer in stolen property;

(iv) Any person convicted by a court or Tribunal acting outside India, of an Offence which would have rendered him liable to be classified as a Habitual Criminal, if he had been, convicted in a court established in India.

Explanation: For the purpose of this definition the word “Conviction” shall include an order made under Section 117, read with Section 110, of the Criminal Procedure Code, 1973.”

8. As per Nominal Roll as on 21st May, 2025, the Petitioner has undergone 14 years 1 month and 24 days, excluding remission of 1 years 6 months and 7 days earned by him. The Petitioner has already completed rigorous imprisonment of 2 years in case FIR No. 189/2010, registered at P.S. P. Vihar, under Sections 356/379/411/34 IPC. He has, further, completed rigorous imprisonment of 3 years in case FIR No. 16/2011, registered at P.S. Pandav Nagar, under Sections 392/411/414/34 IPC.

9. The Nominal Roll records that his conduct in the last year has been

³ “CrPC”



satisfactory. Although his overall conduct is stated to be unsatisfactory due to past punishments, the last punishment imposed upon him was in 2022. Moreover, the Petitioner has earlier been released on parole twice by this Court without any instance of misconduct during those periods.

10. This Court is conscious that furlough serves not merely as a privilege but as a structured rehabilitative measure within the correctional framework. Long-term incarceration without any temporary release can lead to social disconnection and negatively impact the mental well-being of the convict. Allowing limited release enables a prisoner to reconnect with family, attend to personal responsibilities, and maintain a sense of purpose and stability, all of which contribute to successful reintegration and reduce recidivism. Temporary release also affords prisoners a respite from the pressures of prolonged confinement and supports their psychological and emotional health.⁴

11. The Petitioner has not received any punishment since 2022, has already served the sentences imposed in the other two matters relied upon to classify him as a habitual offender, and has previously not demonstrated any misconduct during his periods of parole. Keeping these factors in view, this Court is of the opinion that the Petitioner deserves to be granted furlough for a period of three weeks.

12. Accordingly, order No. F.10(003474280)/CJ/LEGAL/PHQ/2025/M-1836 dated 27th February, 2025, is hereby quashed. The Respondent is directed to release the Petitioner on first spell of furlough for a period of 21 days, to re-establish the social ties with family members, on furnishing of a personal bond in the sum of Rs. 15,000/- with one surety of the like amount



subject to the satisfaction of the Jail Superintendent/Trial Court/Duty Metropolitan Magistrate, and further subject to the following conditions:

- (i) The Petitioner shall not leave the NCT of Delhi during the period of furlough, without the prior permission of this Court;
- (ii) The Petitioner shall provide the mobile number(s) to the concerned Jail Superintendent and SHO at the time of his release, which mobile number shall be kept in a working condition at all times;
- (iii) The Petitioner shall appear before the concerned SHO Delhi, on every Monday between 11:00 AM and 11:30 AM to mark his presence. However, he shall not be kept waiting for longer than one hour for this purpose;
- (iv) The Petitioner shall positively surrender before the concerned Jail Superintendent on the expiry of the period of furlough.

13. With the above directions, the present petition stands disposed of.

14. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

SANJEEV NARULA, J

DECEMBER 5, 2025/MK

⁴ See *Guddu v. State of NCT of Delhi* W.P. (CRL) 2231/2023.