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

+ **W.P.(CRL) 1493/2025, CRL.M.A. 13816/2025**

SURENDER PRASHAD SINGH

.....Petitioner

Through: Mr. Kunal Malhotra, Mr. Ravinder
Gaur and Mr. Manish Inkania,
Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, SC for State with
Mr. Sandeep, Insp., PS-Delhi Cannt.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

13.05.2025

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1. The Petitioner, through the instant petition, under Article 226 of the Constitution of India, 1950, seeks quashing of order dated 24th December, 2024, passed by the Director General of Prisons, Tihar, New Delhi, whereby the Petitioner's request for release on 1st spell of furlough has been rejected. Additionally, a direction has also been sought for release of the Petitioner on furlough for a period of 3 weeks.

2. The Petitioner is a convict in proceedings emanating from FIR No. 421/1984, PS, Delhi Cantt., under Sections 302/396/147/148/149/395 of Indian Penal Code, 1860¹. The Petitioner is presently serving life sentence, and has already undergone more than 15 years of incarceration.

3. By way of the Impugned order dated 24th December, 2024 the

¹ "IPC"



Petitioner's request for furlough has been rejected for the following reasons:

- "i) That he was released on furlough for 02 weeks we.f. 03.04.2024 to 18.04.2024 but he was granted stay from surrendering by the Hon'ble Apex Court in W.P. (Crl.) No. 6839/2024. Further, the Hon'ble Apex court has dismissed the petition of the convict on 01.10.2024 and directed to surrender but he surrendered late by 08 days on 09.10.2024. A punishment/warning was recorded against him for late surrender.*
- ii) As per Standing Order 01/2019, if the convict happens to commit jail offence (jumped Parole/Furlough) and a punishment of Warning has been recorded against him, he shall be eligible for furlough after a gap of one year from the date of punishment.*
- iii) As his overall conduct found to be unsatisfactory and furlough is purely an incentive for maintaining good conduct, therefore, his request for furlough cannot be acceded to."*

4. As evident from the above, the Petitioner had been granted furlough on previous occasion which had been extended from time to time by the Supreme Court in in SLP (Crl.) No. 6839/2024. Subsequently the writ petition was dismissed by the Supreme Court and the Petitioner was directed to surrender. However, due to the delay of 8 days in surrendering, a punishment ticket was issued to the Petitioner, which resulted in denial of request for furlough in the Impugned order.

5. Counsel for Petitioner explains that due to a lapse on the part of the Petitioner's Advocate, the Petitioner was unaware of the order dated 01st October, 2024, passed by the Supreme Court, whereby his petition was dismissed, the interim stay on his surrender was vacated, and he was required to surrender immediately. Moreover, the moment the Petitioner came to know about the vacation of the stay order, he immediately surrendered. He thus asserts that the delay of 8 days was neither intentional nor deliberate but occurred due to non-communication on the part of the counsel for the Petitioner.



6. The Court has heard the counsel for the parties. The impugned rejection is premised on the punishment ticket issued for delay in surrendering when the Petitioner was earlier released on furlough.

7. The justification offered by counsel for Petitioner is plausible. Moreover, the Appellant surrendered immediately on being aware of the order of the Supreme Court. It must be noted that the provision of furlough is a benevolent one and is designed for the welfare of prisoners. The provision has the intent of rewarding prisoners for their good behaviour, when traces of reformation can be seen in them. Thus, although, there is a delay of 08 days on the part of the Petitioner in surrendering before the Jail Authorities, the Court takes note of the peculiar circumstances of the present case as explained by counsel for the Petitioner.

8. The Petitioner is serving the sentence for rigorous imprisonment for life and as per nominal roll, as on 31st March, 2025, the Petitioner has been in custody for 15 years, 10 months and 18 days and earned remission of 4 years, 2 months and 21 days. Furthermore, the Petitioner has been granted furlough on numerous occasions, during which he has not misused the liberty extended to him and has consistently surrendered to the jail authorities in a timely manner on each prior instance. Therefore, considering that the Petitioner had surrendered late on account of an inadvertent mistake, his request for grant of furlough is allowed.

9. Accordingly, in light of the foregoing facts and circumstances, the writ petition is allowed and the Impugned order dated 24th December, 2024 is quashed. Consequently, the Respondent is directed to release the Petitioner on first spell of furlough for a period of 3 weeks, to re-establish the social-ties with family members, on furnishing of a personal bond in the



sum of Rs. 10,000/- 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 - Delhi Cantt., 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 SHO - P.S. Delhi Cantt., 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.

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

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

12. In case an inmate who is implicated in the FIR in question, is already on furlough, the Petitioner's 1st spell of furlough shall commence once the co-convict has surrendered in terms of Rule 1224 (v) Note 1 of Delhi Prison Rules, 2018.

SANJEEV NARULA, J

MAY 13, 2025

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