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

+ **W.P.(CRL) 1523/2025, CRL.M.A. 14160/2025**

PURAN PRASAD

.....Petitioner

Through: Mr. Siddharth Yadav, Advocate.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, SC for State with
Mr. Rahul Yadav, SI, PS-Khyala.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

13.05.2025

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1. The present writ petition under Article 226 of the Constitution of India, 1950 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeks grant of second spell of furlough for a period of two weeks in the proceedings emanating from FIR No. 280/2012, registered under Sections 302/34 of the Indian Penal Code, 1860¹ at P.S. Khyala.
2. The Petitioner was convicted under Sections 302/34 IPC and is presently serving life sentence.
3. The Petitioner urges that his conviction year is due to expire on 24th May, 2025, and accordingly urges that be released on second spell of furlough, as he needs to look after his spouse, who is presently on family way and has completed 6 months of pregnancy. The medical record of the Petitioner's spouse is annexed with the application. It is also urged that the

¹ "IPC"



Petitioner's family consists of his wife and two minor daughters, aged about 5 and 13 years, who are also dependent on him for care and support.

4. In compliance with the directions issued on the previous occasion, the status report and the latest nominal roll have been filed by the State. Copies of the same have been handed over across the board, and are taken on record. As per the status report, it is stated that the Petitioner has not submitted any application to the office of the Superintendent, Central Jail No. 2, Tihar, New Delhi, seeking grant of furlough. It is further submitted that a period of one month has not elapsed since the Petitioner last surrendered after being released on furlough. Moreover, the Petitioner has not submitted any representation seeking relaxation of the one-month interval between two furloughs, as stipulated under Point 13 of Standing Order No. 01/2019, issued by the Prisons Headquarters *vide* F. No. (3466573)/CJ/Legal/2019/14693 dated 26th March, 2019.

5. The Court has considered the aforementioned contentions. It is noticed that the Respondents have acknowledged that the Petitioner's representation filed before the prison headquarters could not be taken up, while he was already availing furlough. While the Respondents have pointed out that the Petitioner did not specifically apply for relaxation of the mandatory one-month interval between two furloughs, it is relevant to note that Point 13 of Standing Order No. 01/2019, issued by the Prisons Headquarters, provides for relaxation of this requirement by the competent authority in cases involving emergent reasons, including medical conditions of family members.

6. In the present case, the Petitioner initially sought furlough to attend the *barsi* of his late father, scheduled for 9th May, 2025. Though the date has



since passed, the pregnancy of the Petitioner's spouse and the need for his assistance at this juncture constitutes a valid ground for relaxation. The medical records verifying his wife's condition have been duly verified and placed on record. Therefore, given the urgency of the matter, directing the Respondents to now take a view on the Petitioner's request would only result in avoidable delay.

7. As per the latest nominal roll, as on 9th May, 2025, the Petitioner has been in custody for 10 years, 2 months and 9 days, and has further earned a remission of 1 year, 2 months and 13 days. The Petitioner's jail conduct for the last one year has been found to be satisfactory.

8. 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. Considering that the Petitioner's request for furlough is based on the *bona fide* grounds of his wife's pregnancy, and in light of the fact that the Petitioner's conviction year is set to expire on 24th May, 2025, his request for furlough is allowed.

9. The Respondent is directed to release the Petitioner on second spell of furlough for a period of two weeks, to re-establish the social-ties with family members, on furnishing of a personal bond in the sum of INR 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 - P.S. Khyala, Delhi, 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. Khyala, 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.

SANJEEV NARULA, J

MAY 13, 2025

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