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

+ **W.P.(CRL) 1637/2025**

KISHAN PAL @ FAUJI

.....Petitioner

Through: Mr. Vishesh Wadhwa, Ms. Snigdha Jha and Ms. Jasnoor Kaur Suri, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel (Criminal) with Ms. Priyam Agrawal, Advocate.
SI Anil, NR-II, Crime Branch.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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13.08.2025

1. Petitioner before this Court seeks issuance of a writ in the nature of Certiorari quashing the Order dated 05.05.2025 passed by the respondent, whereby the petitioner's Application for grant of the first spell of furlough was declined by the competent authority and further seeks issuance of a writ in the nature of mandamus directing the respondent to release the petitioner on the first spell of furlough for a period of three weeks.
2. Without advertent to the contents of the petition which are not relevant suffice to note that apropos notice issued by the Court, a status report dated 07.07.2025 has been filed which reveals as under:-

"1. The present petition has been instituted by the petitioner seeking the 1st spell of furlough and quashing of the rejection order F.10/SCJ No.



10/rohini/AS(CT)/2025/675 dated 17.04.2025.

2. That the petitioner is currently lodged in CJ No. 10 and is sentenced u/s 302/120B of IPC with RI fir kufe ub above noted FIR and is seeking 1st spell of furlough.

3. It is submitted that on 29.09.2007 two PCR calls vide DD No. 15A & 16A were received at PS Hauj Qazi, regarding firing incident occurred at Arya Samaj Gali, near Mandi Bazar Sitar Ram, Delhi. On receiving the information police staff reached the spot near Badi dharamshala, Bazar Sita Ram where blood was found on the ground in front of House no. – 2745 and one empty cartridge was also found there. On enquiry, it came to know that somebody had shot Vijay Singh @ Vijji and he had been taken to LNJP Hospital, delhi. At LNJP Hospital, Vijay Singh Yadav S/o Amar Singh Yadav R/o 3510, Gali Bajrang Bali, Bazar Sita Ram, Delhi was declared brought dead by Medical Officer vide MLC No. 108770/07. On MLC the medical officer had mentioned “alleged H/o fire arm injury at Gali Arya Samaj, Bazar Sita Ram at around 7:45 PM dated 29.09.2007 as told by the person who had brought the injured in hospital”. The exhibits produced by Medical Officer were taken into police possession through seizure memo. Further, Mobile Crime Team conducted crime scene inspection and took photographs. The exhibits were taken into police possession through seizure memo. The present case was registered and investigation was taken up.

4. The Post Mortem of deceased was conducted at LNJP Hospital vide PM No:- 708/07. The exhibits preserved by Autopsy Surgeon opined the cause of death a “Death is due to combined effects of Craniocerebral damage, Hemorrhage and shock, consequent upon penetrating injuries to head and abdomen caused by projectile of a riffled firearm via injury no.- 1,5,7. Injury No.-1,6,7 are sufficient to cause death in ordinary course of nature”.

5. After completion of trial the petitioner was convicted u/s 302 IPC r/w section 120B IPC by the Hon’ble trial Court and he was sentenced to Imprisonment for life and a fine of Rs. 1,00,000/-.

6. **Role of accused Kishan Pal @ Fauzi and evidences against him:-** He along with other accused persons hatched the conspiracy to kill Vijay Singh. He along with accused Hitender @ Chotu fired gunshots at Vijay Singh. During PC remand he had correctly pointed out the place of occurrence.

7. The accused Kishan Pal @ Fauzi had previously jumped the interim bail from 2014 to 2018 and rearrested in 2018. He is a habitual offender. Total 8 heinous criminal cases i.e. robbery, murder, attempt to murder, arms act & cheating are pending trial against the accused Kishan Pal @ Fauzi all of which he committed between 2017-2018.



8. *An enquiry was conducted regarding the address RZ-D-1-357, Gali No. 05, Mahabir Enclave, Part-1, Palam, Delhi, which revealed that the accused Kishan Pal wife, Suchitra Sharma, resides at the said address with her two children. Statements of neighbors were recorded, wherein they stated that Kishan Pal family has been residing at the address for the past 15 years. Additionally, it was found that Suchitra Sharma is an advocate practicing in the Dwarka Court, and her children are pursuing their studies.”*

3. In view of the aforesaid, given that the petitioner rightly or wrongly has been implicated in as many as 7 cases in complete abuse of the concession granted at the time of according interim bail, I am of the view that the petitioner has disintitiled himself to seek furlough as a matter of right.

4. No grounds to interfere with the present petition.

5. The writ petition is, accordingly, dismissed.

ARUN MONGA, J

AUGUST 13, 2025

kd/rs