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

+ **W.P.(CRL) 1773/2025**

MONU SINGH

.....Petitioner

Through: Mr. Zeeshan Diwan (DHCLSC) and
Mr. Harsha, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Rahul Tyagi, ASC (Criminal) for
the State with Mr. Sangeet Sibou, Mr.
Priyansh Raj Singh Sengar and Mr.
Aniket Kumar Singh, Advocates.
Insp. Rahul Raushan, PS Vasant
Vihar.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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27.05.2025

1. This hearing has been done through hybrid mode.

CRL.M.A. 16508/2025 (Exemption)

2. Allowed, subject to all just exceptions. The application is disposed of.

W.P.(CRL) 1773/2025

3. The present petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeks following prayers:-

“a. Issue a writ or order in the nature of certiorari quashing the impugned rejection order passed by the competent authority, vide Order No. F.10 (003721077)/CJ/LEGAL/PHQ/2025/1661 dated 08.05.2025; and

b. Issue a writ, order or direction in the nature of mandamus to release the petitioner along with co-convict cousin brothers namely Rohan Chauhan S/o Sh. Satish and Mohit Chauhan S/o Sh. Satish Chauhan lodged in Central Jail No-02 Tihar Delhi on furlough simultaneously in future or in alternative;



c. Direct the respondent to decide the application of the petitioner within a stipulated time;

d. Pass any other order or further orders, which this Hon'ble Court deems fit and proper in the interest of justice;"

4. Learned counsel for the petitioner submits that the latter was directed to be released on 2nd spell of furlough for a period of 2 weeks *vide* order dated 22.01.2025 passed by Director General Prisons, however, he could not be released in view of bar provided under Note 1 to Rule 1224 of the Delhi Prison Rules, 2018. Subsequently, the petitioner filed an application for simultaneous release on furlough before the competent authority on 24.02.2025 with his co-convict, Rohan Chouhan, to enable him to look after his ailing father, who is suffering from paralysis and the same was also rejected *vide* order ref. No. F.10(003721077)/CJ/Legal/PHQ/2025/1661 dated 08.05.2025. The said order reads as under: -

"This has reference to the letter sent to this office wherein the request of the convict regarding simultaneous release on furlough with his co-convict has been forwarded to this office for consideration.

In this regard, it is submitted that *vide* order No- F.10 (003721077) /CJ/Legal/PHQ/2025/M-682, Dated: 22.01.2025, the competent authority had granted 2 spell of furlough for 02 weeks to convict Monu Singh s/o Vashist Singh.

The convict has requested to release him on furlough with his co-convict namely Rohan Chouhan s/o Satish Chouhan.

As per provision of para-1224, Note (1) of Delhi Prison Rules-2018, the request for simultaneous furlough to co-accused convicts is ordinarily not permissible. However, when co-accused convicts are family members, simultaneous release may be considered in exceptional circumstances only.

In the present matter, convict **Monu Singh** is not related through blood with his co-accused

convict Rohan Chouhan. Hence his request is **rejected**.

The convict may be informed accordingly."



5. Learned counsel appearing on behalf of the petitioner submits that the ground for rejecting the application for grant of furlough to the present petitioner was on account of the fact that his co-convict, Rohan Chouhan, has been released on furlough and as per Note 1 to Rule 1224 of Delhi Prison Rules, 2018, simultaneous release of co-accused convicts is ordinarily not permissible and the petitioner is not in relation of the said co-convict through blood. Reliance has been placed on judgment of the Coordinate Bench of this Court in **“Prem Singh v. The State (GNCTD of Delhi)”**, 2022:DHC:004943 and order dated 25.02.2025 passed in **W.P. (CRL.)s 565/2025 & 567/2025** titled as **“Nandu @ Ram Kishore & Anr. v. State (NCT of Delhi)”** to contend that co-convicts, even if they are not in blood relation with each other as family members, can be granted furlough. It is further submitted that the petitioner is the cousin brother of co-convict, Rohan Chouhan.

6. He further submits that the co-accused person, namely, Rohan Chouhan, was released on furlough for a period of 2 weeks on 27.12.2024 by the Competent Authority, however, he was exempted from surrendering till 03.03.2025 *vide* orders dated 10.01.2025 and 07.02.2025 passed by this Court in W.P. (Crl.) 72/2025 on medical grounds. It is submitted that extension of furlough to the said co-accused has not been granted since then.

7. *Per contra*, learned Additional Standing Counsel for the State submits that the petitioner is not related by blood with co-convict, Rohan Chouhan, and his application seeking furlough has been rejected in terms of Note 1 to Rule 1224 of the Delhi Prison Rules, 2018, and thus, he is not eligible for grant of furlough as co-convicts cannot be released on furlough together if they are not family members. He has handed up a status report dated 27.05.2025 in Court today and the same is taken on record.



8. Heard learned counsel for the parties and perused the records.
9. A Coordinate Bench of this Court in **Prem Singh (supra)**, while dealing with *pari materia* provision of Parole, i.e., Note 2 to Rule 1212 of the Delhi Prison Rules, 2018, had observed and held as under: -

“3. In the status report filed on behalf of the State, it is admitted that the petitioner/convict has been granted parole for a period of four weeks by the Competent Authority, GNCT of Delhi, Home (General) Department, Delhi Secretariat as per order dated 10.03.2022. However, it is pointed out that the co-accused in the same FIR are on emergency parole since 15.05.2021 which has been extended from time to time and co-accused are not the family members of the petitioner as per definition of ‘family’ mentioned in Rule 1201 of Delhi Prison Rules, 2018. The petitioner as such is stated to be not entitled to be released on parole in terms of Note 2 of Rule 1212 of Delhi Prison Rules, 2018.

4. In order to appreciate the contentions raised by respondent, reference may be made to Rule 1212 of Delhi Prison Rules, 2018 and may be beneficially reproduced:

“1212. A convict would be released on parole for a period of maximum eight weeks in minimum two spells in a conviction year. However, the period of release in one spell should not be more than four weeks. There should be one month gap between parole and last furlough availed and vice-versa.

Note:-

(1) If the convict has applied for extension after surrendering from the original parole or his application for parole is pending decision when he surrendered after availing original parole then his case will be considered as fresh case.

(2) Simultaneous parole to co-accused is ordinarily not permissible, however, in exceptional circumstances competent authority may consider for reasons in writing for granting parole to co-accused who are family members.”

5. In terms of Note ‘2’ of Rule 1212 of Delhi Prison Rules, 2018, the simultaneous parole to co-accused is ordinarily not permissible. However, in exceptional circumstances, it may be considered for granting



parole to coaccused who are family members.

6. The question for consideration is whether the petitioner may be granted relaxation for simultaneous relief on parole, although co-accused is on emergency parole since long period and petitioner is not related as family member to said co-accused.

7. I am of the considered view that to arrive at a logical conclusion, it may be necessary to recapitulate the need for a balance to be maintained between two competing interests while granting parole or furlough, of reforming the convict on one hand and the public purpose and the interests of society on the other, which need to be kept in perspective. The observations of Hon'ble Supreme Court in **Asfaq vs. State of Rajasthan, (2017) 15 SCC 55** may be beneficially reproduced:

“19. Having noted the aforesaid public purpose in granting parole or furlough, ingrained in the reformation theory of sentencing, other competing public interest has also to be kept in mind while deciding as to whether in a particular case parole or furlough is to be granted or not. This public interest also demands that those who are habitual offenders and may have the tendency to commit the crime again after their release on parole or have the tendency to become a threat to the law and order of the society, should not be released on parole. This aspect takes care of other objectives of sentencing, namely, deterrence and prevention. This side of the coin is the experience that great number of crimes are committed by the offenders who have been put back in the street after conviction. Therefore, while deciding as to whether a particular prisoner deserves to be released on parole or not, the aforesaid aspects have also to be kept in mind. To put it tersely, the authorities are supposed to address the question as to whether the convict is such a person who has the tendency to commit such a crime or he is showing tendency to reform himself to become a good citizen.

20. Thus, not all people in prison are appropriate for grant of furlough or parole. Obviously, society must isolate those who show patterns of preying upon victims. Yet administrators ought to encourage those offenders who demonstrate a commitment to reconcile with society and whose behaviour shows that they aspire to live as law-abiding citizens. Thus, parole programme should be



used as a tool to shape such adjustments.”

8. It may be observed that parole is a relief granted by the State which goes a long way for redemption and rehabilitation of such prisoners and is ultimately aimed for the good of the society and, therefore, in public interest. Parole is normally granted in certain conditions and is governed by the guidelines framed in this regard. It is pertinent to note that the most important ground on which the parole is granted is to maintain family and social ties so that the convict is able to maintain his family and social contacts. As such, a humanist approach needs to be taken affording such convicts an opportunity to resolve their personal and family issues and to encourage offenders to demonstrate a commitment in relation to the society.

9. Ordinarily in terms of Rule 1212, two convicts should not be simultaneously allowed to be released on parole. The object appears to prevent any law and order situation which may be created by simultaneous release of co-accused except in terms of Note 2 to Rule 1212. However, the ineligibility envisaged under Rule 1212 for releasing two unrelated convicts on parole, cannot continue for long periods, so as to deny the co-accused of the benefit of parole. The petitioner herein has been earlier extended the benefit of parole from time to time as pointed out by learned counsel for the petitioner and has not misused the liberty. The date of surrender of coaccused has not been specified by the State/Prison Authorities, who are stated to have been released on emergency parole by the orders of Court owing to Covid conditions. As such it is a fit case for relaxation of Rule 1212, while exercising powers under Article 226 of the Constitution of India, by this Court.

In the facts and circumstances, it is considered apposite to allow the present petition in relaxation of Rule 1212 of Delhi Prison Rules, 2018. The petitioner is accordingly directed to be released on parole in terms of order dated 10.03.2022 for a period of four weeks from the date of his release on the terms and conditions mentioned in the aforesaid order and subject to following additional conditions:

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(emphasis supplied)

10. In the aforesaid case, the Coordinate Bench was dealing with *pari materia* provision relating to parole and the petitioner therein was granted



parole simultaneously along with co-convict therein. In the present case, co-convict, Rohan Chouhan, was released on furlough for a period of 2 weeks by the Director General Prisons and was subsequently exempted from surrendering in pursuance of the orders passed by this Court as noted hereinabove. The said exemption from surrendering was extended from time to time by this Court. The petition of the co-convict is still pending and his date of surrender is yet to be specified. In any event, the petitioner and co-convict, Rohan Chouhan, are stated to be cousin brothers and are closely related to each other.

11. Nominal roll dated 26.05.2025 shows that the petitioner has undergone incarceration for more than 15 ½ years including the remission earned by him during the said custody period. It further shows that he was released on furlough on five occasions in 2023 and 2024 and he had not misused the liberty granted to him. Conduct of the petitioner for the last one year has been satisfactory.

12. In the totality of the facts and circumstances of the case, the present petition is allowed and the impugned order No. F.10 (003721077)/CJ/Legal/PHQ/2025/1661 dated 08.05.2025 passed by the competent authority is set aside. The petitioner is directed to be released on 2nd spell of furlough for a period two weeks granted by the competent authority *vide* order No. F. 10 (3721077)/CJ/Legal/PHQ/2025/M-682 dated 22.01.2025, subject to the conditions provided in the said order.

13. The petition is allowed and accordingly disposed of.

14. Pending application(s), if any, also stand disposed of.

15. Copy of this order be sent to the concerned Jail Superintendent for necessary information and compliance.



16. Order be uploaded on the website of this Court *forthwith*.

MAY 27, 2025/sn/ns

AMIT SHARMA, J

Click here to check corrigendum, if any