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

+ **W.P.(CRL) 2198/2025**

AMAN SHARMA

.....Petitioner

Through: Mr.Amitej K. Nagar, Advocate

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr.Anand V. Khatri, ASC for the
State alongwith Insp. Mukesh Kumar,
P.S.-Janakpuri

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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15.09.2025

1. The petitioner is before this Court seeking grant of furlough for a period of 3 weeks assailing the order dated 10.06.2025, wherein his request on the administrative side for grant of furlough was declined.
2. Reasons assigned for rejection of the request is that the conduct of the petitioner inside the jail has not been good. He has multiple punishments recorded against him for violation of prison rules, latest punishment being of date 27.03.2025.
3. It is in the aforesaid backdrop that the instant petition has been filed seeking grant of furlough for a period of three weeks stating that as per Delhi Prison Rules, 2018, a convict is entitled to 3 spells of furlough in a year (7 weeks), provided his Jail Conduct of previous 3 years is satisfactory.
4. Petitioner herein was eligible for all 3 spells of Furlough. Notwithstanding, the application dated 25.05.2025 moved by petitioner for



release on furlough was rejected by the Prison Authorities on 10.06.2025.

5. Learned counsel for the petitioner submits that the conduct of the petitioner for the last 3 years has been satisfactory. He was given the concession of furlough in the past and he has surrendered on time according to the terms and conditions imposed upon him.

6. He would further argue that with respect to the incident dated 27.03.2025, the petitioner was not provided the copy of the punishment ticket and has not been afforded any opportunity to present his case.

7. *Per contra*, learned APP for the State opposed the instant petition stating that the overall jail conduct of the petitioner is unsatisfactory as multiple punishments has been recorded against him.

8. Having given my thought to the entirety as above, I am of the view that the applicant is entitled to furlough for a period of two weeks.

9. Qua the objection conduct of the petitioner is unsatisfactory as multiple punishments has been recorded against him, reference may be had to an earlier W.P.(CRL) 969/2025 filed by him which was disposed of/allowed vide an order dated 26.03.2025 passed by a Coordinate Bench of this Court. The said order reads as under:-

“4. Learned counsel appearing on behalf of the petitioner submits that the latter had filed an application on 26.12.2024 for grant of furlough before the competent authority, however, the same was rejected vide order F.10(003757179)/CJ/Legal/PHQ/2025/M-1144 dated 07.02.2025. The said order reads as under: -

"Ref: F.11/SCJ-11/AS(CT)/2024/1563, Dated: 26.12.2024.

I. As per Standing Order 01/2019, "If a convict avails furlough regularly and commit jail offence and a warning is recorded against him, then he shall be



eligible for furlough after a gap of one year from the date of punishment." As a warning dated 26.10.2024 has been issued against the convict for violation of prison rules an furlough is purely an incentive for maintaining good conduct, therefore, his request for furlough cannot be acceded to. The convict may be informed under proper acknowledgment"

5. She further submits that the main ground for rejecting the said application was the commission of jail offence and issuance of punishment ticket regarding the same to the petitioner. It is further submitted that after the said punishment ticket was issued to the petitioner, he was released on furlough for a period of 3 weeks in pursuance of the directions of the competent authority. It is further submitted that the petitioner was released on parole on an earlier occasion and he had not misused the liberty granted to him.

6. It is further submitted that the punishment ticket dated 26.10.2024 was issued to the petitioner when he was unable to show the permission and give satisfactory answers for cooking paneer (cottage cheese) in the langar.

7. Per contra, learned Additional Standing Counsel for the State has opposed the present petition as the petitioner had committed a jail offence and had been issued a punishment ticket regarding the same and has thus become ineligible for grant of further relief of furlough.

8. Heard learned counsel for the parties and perused the record.

9. Perusal of the nominal roll dated 04.03.2025 shows that the present petitioner, as on 03.03.2025, has undergone incarceration for more than 14 years including the remissions earned by him during the said custody period. Insofar as the punishment ticket issued to the petitioner is concerned, the punishment ticket shows that on 03.12.2024, after hearing the petitioner, the concerned authority had warned him with the direction that in future such a thing must be brought to the notice of jail officers and their permission must be sought. The relevant portion of the warning issued to the petitioner reads as under: -



"Heard. He submitted that some milk had turned sour & they converted the same into paneer which was cooked. Had they not cooked the same day it would have been turned stale. Warned with the direction that in future such things be brought to notice of jail officers & seek their permission."

10. In view of the fact that the petitioner has already been warned regarding his conduct and that the same was a minor inadvertent mistake, the punishment ticket dated 26.10.2024 awarded to the present petitioner is set aside.

11. Perusal of the nominal roll further shows that he was granted furlough for a period of 3 weeks, w.e.f., 28.10.2024 to 19.11.2024, by the competent authority after the aforesaid punishment ticket was issued to him and he has not misused the liberty granted to him and had duly surrendered after the expiry of the same. Nominal roll further shows that his conduct for the last one year has been satisfactory and he has been allotted labour of 'Adalat Sahayak'.

12. In the totality of the facts and circumstances of the case, the present petition is allowed and the petitioner is directed to be released on second spell of furlough for a period of 2 weeks, from the date of his release, on his furnishing a personal bond of Rs. 10,000/- along with one surety of the like amount to the satisfaction of the concerned Jail Superintendent, further subject to following conditions:

i. The petitioner shall not leave the State NCT of Delhi during the period of furlough without the prior permission of this Court.

ii. The petitioner shall report to the SHO Police Station Uttam Nagar on every Sunday between 10:00 AM to 11:00 AM during the period of furlough and the concerned Officer shall release him after completion of necessary formalities.

iii. The petitioner shall furnish a telephone/mobile number to the Jail Superintendent as well as SHO of the Police Station Uttam Nagar, on which he can be contacted if required. The said telephone number shall be kept active and operational at all the times by the



petitioner.

iv. The petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case..

V. The petitioner is directed to surrender before the jail authorities after the expiry of the period of furlough.

13. The petition is allowed and disposed of accordingly.

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

15. Order be uploaded on the website of this Court, forthwith."

10. Position qua past conduct and punishment, as noted in the above order remains unchanged. Same is not under dispute. Denying furlough for minor infractions would be disproportionate and contrary to the purpose of such releases, which is to maintain family ties and aid reintegration.

11. Petitioner is a long-term convict, who has displayed compliance in past, and ought not be perpetually prejudiced by technical lapses already dealt with and appropriately punished at the prison level, and must be given the opportunity to reconnect with society through furlough.

12. Accordingly, I am of the view this petition too derives to be allowed.

13. The petitioner is granted furlough for a period of two weeks on the same terms and conditions as imposed upon him vide order dated 26.03.2025, *ibid*. The petitioner is directed to surrender on the expiry of the period granted by this Court.

14. Copy of this order be sent to the concerned Jail Superintendent with the direction to inform the petitioner in writing *qua* the exact date on which he has to surrender after expiry of furlough period.



15. The petition stands disposed of.

ARUN MONGA, J

SEPTEMBER 15, 2025
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