



\$~51

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

+ **W.P.(CRL) 2241/2025**

VIKAS TOKAS @ VICKY

.....Petitioner

Through: Ms. Naiem J. Heena (DHCLSC) and
Mr. Raj Kumar, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Rupali Bandhopadhyaya, ASC with
Mr. Abhijeet Kumar and Ms. Amisha
Gupta, Advocates for the State with
Inspector Rahul Raushan, PS Vasant
Vihar.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **21.07.2025**

CRL.M.A. 20831/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

W.P.(CRL) 2241/2025

3. Petition under Article 226 of the Constitution of India, 1950 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*), has been filed on behalf of the Petitioner, for quashing the Order No.F.10(3725553)/CJ/Legal/PHQ/2025/1662 dated 08.05.2025 *vide* which the Furlough Application of the Petitioner, has been dismissed and to grant him Third Spell of Furlough for a period of 21 days in FIR No. 139/2011 under Section 302/34 of the Indian Penal Code, 1860, registered at Police Station Vasant Vihar, Delhi, to re-establish social ties



with family members.

4. The Petitioner has submitted that he is in incarceration for the last 13 years, out of his Imprisonment for life and fine. It is submitted that the ground for declining him Furlough *vide* Order dated 08.05.2025, is on account of his bad conduct. However, since then, he has been granted Furlough by the Orders of this Court. Hence, a prayer is made that the impugned Order be set-aside.

5. This Court *vide* Order dated 14.02.2025, had considered the reasons of dismissal of earlier Furlough on the ground of the bad conduct, but it had been categorically observed that he has not been awarded any punishment in the last three years, since 08.07.2022 and the Furlough has been granted.

6. ***Learned ASC on behalf of the State***, has appeared on advance Notice and submitted that this Court has granted Furlough *vide* Order dated 14.02.2025, discrediting the grounds on which the Furlough has been denied. *It is submitted that the appropriate Order may be made.*

7. **Submissions heard and the record perused.**

8. Considering the totality of the circumstances, the Petitioner be released on First Spell of Furlough in this conviction here for 21 days, on the following terms and conditions:

- i. The Petitioner shall furnish a personal bond in the sum of Rs.10,000/- with one surety of the like amount, to the satisfaction of the Jail Superintendent.
- ii. The Petitioner shall report to the SHO of the local area once a week on every Sunday between 10:00 AM to 11:00 AM during the period of Furlough.
- iii. The Petitioner shall furnish a telephone/mobile number to the



Jail Superintendent as well as SHO of local police station, 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 ordinarily reside at the address mentioned in the Petition.
- v. Immediately upon the expiry of period of Furlough, the Petitioner shall surrender before the Jail Superintendent.
- vi. The period of Furlough shall be counted from the day when the Petitioner is released from jail.

9. Before concluding, it is, however, observed that despite the Orders of the Court, the Jail Superintendent in the most mechanical manner has insisted on passing the repeat Orders, without even considering the change in circumstances or the Orders of this Court. It is impressed upon the Jail Superintendent to be more cautious while writing these Orders, which touch on the right to Life and Liberty of an individual, even though they are convicts.

10. The Petition is disposed of accordingly.

11. Copy of the Order be sent to the learned Trial Court for compliance.

NEENA BANSAL KRISHNA, J

JULY 21, 2025/RS