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

+ **W.P.(CRL) 2295/2025**

DHARMENDER KUMARPetitioner

Through: **Mr. Amitej Kumar Nagar, Adv.**

versus

STATE NCT OF DELHIRespondent

Through: **Mr. Yasir Rauf Ansari, ASC with
Mr. Alok Sharma, Advocate**

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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01.09.2025

1. Writ Petition under Article 226 of the Constitution of India read with Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed for quashing of Order dated 27.05.2025, whereby the Application for Furlough has been rejected.
2. It is submitted that the Petitioner was convicted for the offences under Sections 302/392/397 IPC and Section 27 of Arms Act in case arising out of FIR No.0224/2007 registered at PS: DBG Road, Delhi.
3. It is further submitted that his Appeal against the conviction was dismissed by this Court on 07.03.2013. SLP(CRL)No.27026/2021 was also dismissed on 12.02.2021. Petitioner has been released 22 times on furlough and two time parole and has always surrendered timely between 2013-2024. But, when he was released on 21.06.2024 on furlough for a period of three weeks, he had to surrender on 12.07.2024. However, he surrendered on 10.10.2024 i.e. after 89 days.
4. He moved an Application in March, 2025, but the same was denied



vide Order dated 27.05.2025 by observing the absence of three good Annual Conduct Reports and belated surrender. The same has been challenged in the present Writ Petition on the ground that a warning does not amount to punishment in terms of Explanation of Rule 1178 of Delhi Prison Rules, 2018.

5. This aspect has not been covered and he has not been released on furlough/parole since October, 2024. Therefore, prayer is made to grant furlough for three weeks.

6. Learned ASC for the State submits that warning is also a punishment and since that was awarded in October, 2024, he is not entitled to furlough till October, 2025. Moreover, the Order does not suffer from any infirmity.

Submissions heard and record perused.

7. As per the Nominal Roll and the warning issued to the Petitioner for belated surrender after 89 days, Explanation of Rule 1178 of Delhi Prison Rules, 2018, clearly provides that “for the purpose of this Rule, prison offences punished only with a warning, shall not be taken into account.”

It is clearly evident that the impugned Order is in the teeth of express provisions of Delhi Prison Rules. Therefore, the impugned Order is hereby, set aside and the Petitioner be released on furlough for a period of **three weeks**, after verifying his address and 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.
8. Writ Petition along with pending Application is disposed of.

NEENA BANSAL KRISHNA, J.

SEPTEMBER 01, 2025/R