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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2298/2025**
PINTOO BISWASPetitioner

Through: Mr. Sarthak Karol (DHCLSC), Ms. Neelakshi Bhadauria, Mr. Abhishek Kumar Singh, Ms. Tanishka Pawar and Mr. Shashank Sharma, Advocates.

versus

STATE OF NCT OF DELHIRespondent
Through: Mr. Sanjay Lao, SC.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
27.08.2025

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1. The present petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly Section 482 of the Code of Criminal Procedure, 1973) assails order No. F.10 (003498466)/CJ/Legal/PHQ/2025/3062 dated 20th June, 2025¹ passed by Director General of Prisons, Prison Headquarters, Tihar, New Delhi. Additionally, a direction has also been sought for release of the Petitioner on furlough for a period of 3 weeks.
2. The Petitioner is a convict undergoing life imprisonment in FIR No. 473/2008 under Section 302/34 of the Indian Penal Code, 1860² registered at

¹ "the impugned order"

² "IPC"



P.S. Shakar Pur. The impugned order dated 20th June, 2025, reads as follows:

*“This Is in reference to the application for grant of furlough to convict **Pintoo Biswas s/o Madhusudan Biswas**.*

In this I am directed to inform that the convict is not fulfilling criteria referred in Rule 1224(111) of Delhi Prison Rules, 2018 for grant of furlough as the said convict was released on Emergency^ Parole w.e.f. 15.05.2021 to 13.08.2021 and further extended time to time till 06.04.2023. The said convict did not surrender before jail authority after expiry of emergency parole. Later, He was re-arrested on 18.09.2024 after a lapse of almost one and half year. He is not eligible for grant of furlough in view of Rule 1224(iii) of Delhi Prison, Rules, 2018.

Rule 1224(III) of Delhi Prison Rules, 2018 is referred as under:-

*“Prisoners who are considered dangerous or have been Involved In serious prison violence like assault, outbreak of riot, mutiny or escape or **rearrested who absconded while released on parole or furlough** or who have been found to be instigating serious violation of prison discipline as per the reports In his/her annual good conduct report, shall not be eligible for release on furlough”.*

The convict may be Informed under proper acknowledgement.”

3. The Petitioner’s request has been rejected on the ground that he failed to surrender in time, after release on emergency parole and had to be arrested after about one and a half years.
4. Counsel for the Petitioner argues that apart from the impugned punishment ticket, the Petitioner’s conduct in jail during the last one year has been satisfactory. He submits that the delay had occurred as the Petitioner was not informed of the last date of surrender. It is also emphasised that on prior occasions, the Petitioner had duly surrendered on time exhibiting compliance with Prison Rules.
5. The State, on the other hand, submits that the Petitioner has not disclosed the address where he would be residing during furlough and that he has no relatives residing in Delhi. It is contended that in such



circumstances there is a likelihood of the Petitioner absconding if released.

5. The Court has considered the aforementioned contentions. As per the Nominal Roll dated 14th August, 2025, the Petitioner has undergone 13 years, 6 months and 8 days of custody and has earned remission of 2 years, 10 months and 10 days. He was granted furlough in 2019 and 2020 and duly surrendered on both occasions. The impugned punishment ticket has been awarded on account of failure to surrender after release on emergency parole. That incident is now over a year old, and since then his conduct in jail has been satisfactory. Moreover, it is relevant to note that the emergency parole was granted during the peak of the COVID-19 pandemic. This was a period of uncertainty and it is plausible that proper intimation was not received by the Petitioner. In similar cases, this Court has taken a lenient view considering the circumstances arising out of the pandemic.

6. Additionally, it must be noted that the Supreme Court in *Asfaq v. State of Rajasthan*,³ elaborated on the objective of furlough and observed as under:

“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

³ (2017) 15 SCC 55



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 behavior shows that they aspire to live as law-abiding citizens. Thus, parole programme should be used as a tool to shape such adjustments.”

(Sic)

7. Further, in similar circumstances, a Co-ordinate Bench of this Court in ***Mohd. Suleman v. State of NCT of Delhi***,⁴ held that where there was a delay in surrender by the petitioner after being released on emergency parole, a sympathetic view could be taken.

8. In view of the above, the Court is of the opinion that the Petitioner is entitled to be released on furlough. Accordingly, the impugned order dated 21st May, 2025, is set aside and the Respondent is directed to release the Petitioner on furlough for a period of three weeks, to enable him to re-establish social ties with his family, upon furnishing a personal bond in the sum of Rs. 15,000/- with one surety of the like amount, to the satisfaction of the Jail Superintendent/Trial Court/Duty Metropolitan Magistrate, and subject to the following conditions:

- (i) The Petitioner shall furnish the address at which he will be available during the period of furlough to the Jail Superintendent, which shall be verified by the State.
- (ii) The Petitioner shall not leave the NCT of Delhi during the period of furlough, without the prior permission of this Court.
- (ii) The Petitioner shall provide his mobile number(s) to the concerned Jail Superintendent and SHO - P.S. Shakar Pur, Delhi, at the time of his

⁴ 2023:DHC:3679



release, and the number(s) shall be kept in a working condition at all times.

(iii) The Petitioner shall appear before the SHO - P.S. Shakar Pur, Delhi, on every Monday between 11:00 AM and 11:30 AM to mark his presence. However, he shall not be kept waiting for longer than one hour for this purpose.

(iv) The Petitioner shall positively surrender before the concerned Jail Superintendent on the expiry of the period of furlough.

9. With the above directions, the present petition stands disposed of.

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

SANJEEV NARULA, J

AUGUST 27, 2025

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