



\$~19

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

+ **W.P.(CRL) 2527/2025 & CRL.M.A. 23816/2025**

BHUTANA

.....Petitioner

Through: Mr. Chetan Bhardwaj, Ms. Priyal Bhardwaj, Mr. Chirag Kapoor and Ms. Satakshi Gupta, Advocates.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel with Mr. Aryan Sachdeva and Mr. Abhinav Tomar, Advocates.
Insp. Rajeev Kr., PS: Ashok Vihar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

15.09.2025

%

1. The present petition under Article 226 of the Constitution of India, 1950 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 of the Code of Criminal Procedure, 1973), seeks quashing of rejection order dated 05th August, 2025 passed by Office of the Director General of Prisons, Prison headquarters, Tihar, Janak Puri, New Delhi, and also seeks release on first spell of furlough for a period of three weeks.

2. The Petitioner is a convict in FIR No. 330/2009 registered under Sections 302/34 of the Indian Penal Code, 1860¹ at P.S. Ashok Vihar and is

¹ "IPC"



currently serving life imprisonment.

3. As per Nominal Roll as on 29th August, 2025, the Petitioner has remained in custody for 15 years, 07 months and 17 days. He has also earned remission of 03 years, 01 month and 15 days. His jail conduct for the last year has been reported to be satisfactory. Further, he has been assigned work as a 'Kheti Punja Sahayak' in jail.

4. Petitioner's request for furlough has been rejected by order dated 05th August, 2025 in the following terms:

*"This is in reference to the application for grant of furlough to convict **Bhutana s/o Durg Vijay***

In this regard, I am directed to inform you that the Competent Authority has considered the application for grant of furlough and same has been declined at this stage for the following reason(s):-

1.The said convict was released on furlough w.e.f. 26.05.2018 to 16.06.2018 (03 weeks) but, he jumped furlough and arrested on 11.09.2018. Also, he was released on parole w.e.f. 16.02.2023 to 15.03.2023 and same was extended till 20.03.2023 but he surrender 02 days late on 23.03.2023.

2.A case FIR No. 239/2023 u/s 370/78 JJ Act & 29 NDPS Act, PS- Ashok Vihar was registered during parole in year 2023. Hence, 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 **rearrested while released on parole or furlough**, shall not be eligible for release on furlough".*

3.The overall jail conduct of the convict is unsatisfactory being multiple punishments.

The convict may be informed under proper acknowledgement."

5. It is submitted that although the Petitioner has been implicated in FIR No. 239/2023, registered at P.S. Ashok Vihar, his request for parole was nevertheless allowed by this Court in W.P. (CRL.) 3288/2024 *vide* order dated 16th December, 2024, wherein the objections raised by the State, including those pertaining to the registration of the said FIR, were duly



considered and noted.

6. Although, at that stage, the Court had adopted a humanitarian approach considering the mental illness of the mother of the Petitioner, nonetheless, it must be noted that as per the nominal roll, the Petitioner's jail conduct for the last one year has been satisfactory.

7. Taking this into account, along with the Petitioner's prolonged period of custody and the objective of furlough, to facilitate re-establishment of social and familial ties, the Petitioner's request for release on first spell of furlough for a period of three weeks is allowed. Accordingly, the order dated 05th August, 2025 is hereby quashed and the Petitioner is directed to be released on furlough, on furnishing of a personal bond in the sum of INR 10,000/- with one surety of the like amount subject to the satisfaction of the Jail Superintendent/Trial Court/Duty Magistrate, and further subject to the following conditions:

- (i) 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 the mobile number(s) to the concerned Jail Superintendent and SHO, at the time of his release, which mobile number shall be kept in a working condition at all times.
 - (iii) The Petitioner shall appear before the concerned SHO 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.
8. With the above directions, the present petition stands disposed of, along with pending application.



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

SEPTEMBER 15, 2025
d.negi

SANJEEV NARULA, J