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

+ **W.P.(CRL) 2661/2025**

RAHUL DEV

.....Petitioner

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

versus

STATE GNCT OF DELHI & ANR.

.....Respondents

Through: Ms.Rupali Bandhopadhyay, ASC for the State with Mr.Abhijeet Kumar and Ms.Amisha Gupta, Advocates alongwith SI Gajender Singh, P.S.-Maurya Enclave

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

% **28.08.2025**

CRL.M.A. 25169/2025 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(CRL) 2661/2025

1. The petitioner is before this Court seeking extension of furlough which was accorded to him vide an order in W.P.(CRL) 1267/2025 dated 31.07.2025 passed by a Coordinate Bench of this Court. His request on the administrative side was earlier declined vide an order dated 08.04.2025 which was assailed by him. The said order reads as under:-

"1. The petitioner has assailed order dated 08.04.2025 of the



competent authority whereby his application for release on first spell of furlough for a period of three weeks was rejected. The petitioner has also sought release on furlough.

2. I have heard learned counsel for the petitioner and learned ASC.

3. As per the impugned order, furlough application of the petitioner was rejected on two grounds, namely, earlier in the year 2019 when released on furlough, he did not surrender on due date, so had to be arrested on 03.09.2021; and thereafter on 30.08.2024, he was punished for misbehaviour with the jail staff.

4. So far as the punishment dated 30.08.2024 is concerned, the same was not approved by the Principal District & Sessions Judge, so the same cannot be a hurdle for the petitioner. So far as the earlier punishment of the year 2021 is concerned, as fairly submitted by learned ASC, adverse effect of the same survived only for three years. Further, admittedly even subsequent to the punishment imposed in 2021, the petitioner was released three times on parole.

5. In other words, there was no justification for rejecting the furlough application of the petitioner, so the impugned order is not sustainable in the eyes of law.

6. Therefore, the petition is allowed and the impugned order is set aside, directing immediate release of the petitioner on first spell of furlough for a period of three weeks subject to his furnishing a personal bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the concerned Jail Superintendent.

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

2. It is in the aforesaid backdrop that the instant petition has been filed seeking extension 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



conviction (7 weeks), provided his Jail Conduct of previous 3 years are satisfactory. Petitioner herein was eligible for all 3 spells of Furlough. However, the Application dated 11.11.2024 moved by Petitioner for release on 1st Spell of Furlough had been rejected by the Prison Authorities on 08.04.2025 and later he has been granted furlough on 31.07.2025 (i.e., after delay of 8 months 21 days) and his 2 spells are left to be availed.

3. Apart therefrom, learned counsel for the petitioner submits that the petitioner is in dire need for arranging finances for his wife to survive in his absence once he surrenders to undergo the rest of the sentence. He 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 from time to time and each time, he has surrendered according to the terms and conditions imposed upon him.

4. During the course of the arguments, a copy of the nominal roll of the petitioner has been handed over and the same is taken on record. Paragraph 19 of the nominal roll also confirms the conduct of the petitioner in the past 3 years.

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

6. Ordered accordingly. The furlough granted to the petitioner vide order dated 31.07.2025 is extended till 09.09.2025 on the same terms and conditions. The petitioner is directed to surrender on the expiry of the extended period granted by this Court.

7. 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.

8. The petition stands disposed of.

ARUN MONGA, J

AUGUST 28, 2025
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