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

+ **W.P.(CRL) 2747/2025**

SURENDER KUMAR

.....Petitioner

Through: **Mr. Sarthak Maggon, Advocate**

versus

STATE OF NCT OF DELHI

.....Respondent

Through: **Mr. Rahul Tyagi, APP for the State
with Mr. Sangeet Sibou & Ms.
Anshu, Advs.**

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

31.12.2025

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CRL.M.A. 38988/2025

1. Pursuant to order dated 24th December 2025, an affidavit has been presented by Assistant Public Prosecutor (*APP*), on behalf of the State. The affidavit has been deposed by *Superintendent, Central Jail No.1, Tihar*, who is also looking after the Charge of Central Jail No.2.
2. It is stated in the affidavit that the surety bond of petitioner-convict was accepted on 4th December 2025 and he has been transferred to Open Jail.
3. *Mr. Sarthak Maggon*, Advocate appearing on behalf of petitioner states that as per his instructions, petitioner has not been transferred to Open Jail.
4. APP for the States submits that contentions raised by *Mr. Maggon* are unmerited, and further states on instructions, that presently petitioner is in Open Jail, as per the affidavit.
5. This statement of APP is taken on record.



6. *Mr. Maggon* states that as per his instructions, petitioner is still being confined within Open Jail and is not being allowed to move out from 8:00 am to 8:00 pm. This is vehemently objected to by the APP stating that, being in an Open Jail does not imply that petitioner can have an open pass and instead he will be required to be employed after due consideration.
7. Paragraph 6 of the affidavit also states that petitioner's employment situation is being considered as per the Open Jail conditions.
8. In case, it is found that the statement which has been made on affidavit is incorrect, needless to state necessary directions would have to be passed by the Court.
9. List before the Roster Bench on 13th January 2026.
10. Order be uploaded on the website of this Court.

ANISH DAYAL
(VACATION JUDGE)

DECEMBER 31, 2025/sm/sp