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

+ **W.P.(CRL) 2871/2025 & CRL.M.A. 26858/2025**

SHAN MOHD. @ CHAUDHARY

.....Petitioner

Through: Mr. Chetan Bhardwaj, Ms. Priyal Bhardwaj, Ms. Kavita Sharma and Mr. Chirag Kapoor, Advocates.

versus

STATE GNCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel with Ms. Priyam Agarwal, Mr. Abhinav Kr. Arya and Mr. Aryan Sachdeva, Advocates.
Insp. Sachin Kumar Verma, PS: Krishna Nagar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

08.10.2025

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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 third spell of furlough for a period of three weeks. The Petitioner further seeks quashing of order dated 13th August, 2025 passed by the competent authorities, declining his request for furlough.

2. The Petitioner, a convict in FIR No. 56/2011 registered under Sections 396, 412, and 34 of the Indian Penal Code, 1860 at Police Station Krishna Nagar, is currently serving a life sentence. The impugned order dated 13th August, 2025 rejects the Petitioner's request for furlough on the ground of his criminal antecedents. It is noted that the Petitioner was



involved in several criminal cases in the State of Uttar Pradesh, particulars of which have been mentioned in the impugned order.

3. The Court has heard counsel for the parties. According to the nominal roll dated 11th September, 2025, the Petitioner has been in custody for a period of 14 years and 6 days and has earned remission of 2 years, 4 months, and 22 days. His jail conduct over the past year is recorded as satisfactory. It is further noted that the Petitioner was granted furlough by the Director General of Prisons (Prison Headquarters) on several occasions during the years 2024 and 2025. Pertinently, no FIR has been registered against the Petitioner subsequent to those furlough grants.

4. Having regard to the above facts, particularly that the State itself deemed it appropriate to grant furlough to the Petitioner in 2024-2025, coupled with the absence of any subsequent criminal cases or material change in circumstances, the rejection of the Petitioner's furlough on the ground of his being a habitual offender, in the opinion of this Court, reflects a complete non-application of mind by the competent authority.

5. In light of the above, the present petition is allowed and the impugned order dated 13th August, 2025 is set aside. The matter is remanded to the Office of Director General Prisons (Prison Headquarters) for passing appropriate orders, in accordance with law.

6. The directions be complied with, within a period of one week from today.

7. Disposed of, along with pending application.

SANJEEV NARULA, J

OCTOBER 8, 2025

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