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

+ **W.P.(CRL) 3086/2025**

MALKIT SINGH

.....Petitioner

Through: Mr. Shailesh Chandra Jha, Advocate
(DHCLSC)

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Yasir Rauf Ansari, ASC with Mr.
Alok Sharma, Advocate
Inspector Ranbir Singh from PS
Adarsh Nagar is present in person

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

01.12.2025

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1. This is a petition under Article 226 of the Constitution of India read with Section 528 of BNSS, 2023, for quashing the order F.10(3804379)/CJ/LEGAL/PHQ/2025/4375 dated 05.08.2025, passed by the Office of Director General of Prisons, Tihar, and for directions to the respondent to grant the petitioner 1st spell of furlough for a period of 21days.
2. Brief facts of the present case are that the petitioner herein was convicted in case FIR No. 31/2010, registered at PS Adarsh Nagar, for offences under Sections 302/201/120B/34 IPC and vide order on sentence dated 22.02.2014, he has been sentenced with rigorous imprisonment for life and fine of Rs. 25,000/-. Thereafter, the petitioner filed an appeal bearing CRL.A. 633/2014 against his conviction, which was dismissed by this Court



on 22.05.2015. Presently, he is serving sentence in Central Jail No.15, Mandoli, Delhi.

3. It is the case of the petitioner that he had applied seeking grant of furlough for 21 days which was rejected by the competent authority vide order No. F.10(3804379)/CJ/LEGAL/PHQ/2025/4375 dated 05.08.2025 on the grounds of absence of Annual Good Conduct Report (AGCR) for 2024 due to punishment dated 30.05.2024 and the petitioner's previous incidents of parole jumping in 2016 and 2020.

4. Being aggrieved, the petitioner has filed the present petition for grant of furlough for a period of 21 days and to challenge the rejection order dated 05.08.2025 passed by the competent authority on the ground that he was not given a reasonable opportunity of being heard in defence of the punishment awarded to him and the same was not appraised by the Ld. Court.

5. It is submitted by the learned counsel appearing for the petitioner that the petitioner has been in judicial custody for about 10 years 07 months currently. It is argued that the punishment dated 30.05.2024 was imposed without affording any hearing and that no judicial appraisal was done by the Ld. Court regarding the punishment awarded to the petitioner. Therefore, it is prayed that the petitioner be granted furlough.

6. On the other hand, the learned ASC for the State has opposed the present petition and argued that Furlough is a privilege and not a right. Ld. ASC relying on the Status Report submits that the petitioner received a punishment ticket on 30.05.2024 for possession of a prohibited article, which resulted in denial of AGCR for 2024. It is further argued that judicial appraisal of the punishment was duly conducted by the District and Sessions Judge vide order no. 33504/Genl-II/2024 dated 13.09.2024, which is



effective till one year. The Status Report further shows that another punishment ticket as recent as 19.05.2025 also has been awarded to the petitioner for possession of a prohibited article. It is argued that the Superintendent Jail has not recommended furlough owing to bad conduct of the petitioner and repeated violations of prison rules- as seen from the Nominal Roll of the petitioner. It is submitted that the petitioner has committed a grave and heinous offence and has been awarded rigorous imprisonment for life. Therefore, it is prayed, that furlough not be granted.

7. Heard learned counsel for the parties and perused the record.

8. Rule 1223 of Delhi Prison Rules, 2018 sets forth the eligibility criteria for grant of furlough, which reads as under:

“1223. In order to be eligible to obtain furlough, the prisoner must fulfil the following criteria:-

- I. **Good conduct in the prison and should earned rewards in last 3 Annual good conduct report and continues to maintain good conduct.**
- II. The prisoner should not be a habitual offender.
- III. The prisoner should be a citizen of India.”

9. Rule 1223(i) requires earning of AGCR for the last three years. The prison records show the petitioner did not earn AGCR for 2024 owing to a punishment awarded on 30.05.2024 for recovery of a prohibited article. As regards the contention of the petitioner that judicial appraisal of his punishment was not done, it is clearly deduced in the Status Report that judicial appraisal of the said punishment dated 30.05.2025 was duly conducted by the District and Sessions Judge vide order no. 33504/Genl-II/2024 dated 13.09.2024. Hence, there is no force in the argument advanced by Ld. Counsel for petitioner.

10. Moreover, the petitioner’s conduct in the jail, as per Nominal Roll has



been “Unsatisfactory” and he has been awarded punishment inside the jail for violation of Delhi Prison Rules- for parole jumping and for recovery of prohibited article from him on two occasions.

11. In view of the foregoing discussion, the petition is accordingly dismissed.

RAVINDER DUDEJA, J.

DECEMBER 1, 2025/AK