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

+ **W.P.(CRL) 3420/2024 & CRL.M.A. 32871/2024**

**NIKHIL SAXENA**

.....Petitioner

Through: None

versus

**STATE OF NCT OF DELHI**

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel for  
State

**CORAM:**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**ORDER**

**27.02.2025**

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1. None appears on behalf of Petitioner.
2. Learned standing counsel has handed over a status report dated 20.02.2025, which records that on previous two (2) occasions i.e. on 07.05.2024 and 21.10.2024, when the Petitioner was granted furlough, he had duly provided surety of his father Sh. Narayan Singh and his mother Smt. Soniya. He states therefore it is inscrutable as to why this writ petition was filed by the Petitioner seeking exemption from furnishing surety. He states infact during the pendency of this petition once again the Petitioner has duly furnished the surety of his father Sh. Narayan Singh and he has already been released on furlough on 07.02.2025. The relevant portion of the status report read as under:

“7. That, the petitioner has already availed the furlough granted vide order dated 08.07.2024, whereby his father Sh. Narayan Singh stood as surety. He has been released on 07.02.2025 and his date of surrender is fixed for 01.03.2025.

8. That, apart for above mentioned furlough, on the last two occasions the



petitioner was also released on furlough on 07.05.2024 and 21.10.2024. On 07.05.2024 he was released subject to furnishing two sureties and at that time his father Sh. Narayan Singh and his mother Smt. Soniya stood as sureties for him. On 21.10.2024 he was released subject to furnishing one surety and at that time his mother stood as surety for him.”

3. The aforementioned facts placed on record by the learned standing counsel show that the writ petition was filed without any justification. The writ petition was filed by an Advocate of DHCLSC.
4. In the opinion of this Court, the Advocate of DHCLSC who filed such petition was required to first obtain necessary information from the Petitioner with respect to the details of the previous surety furnished by him at least on the previous three occasions and satisfy himself/herself with respect to the reasons for non-furnishing of the same surety again. In this matter, it is evident that no such steps were taken by Advocate of DHCLSC and infact today there is no representation on his behalf.
5. This Court also notes that Petitioner herein is a resident of Delhi and therefore, it was not difficult for him to arrange for a surety, as has now become evident from the record.
6. However, no effort has been made and the petition has been filed in perfunctory manner by the Advocate.
7. The writ petition is dismissed.
8. However, the Secretary, DHCLSC is directed to hold an enquiry and place before this Court a report as to whether the counsel engaged by DHCLSC while drafting such petitions make any endeavour to obtain the details of previous surety and satisfy himself/herself with respect to the unavailability of the said surety for availing the parole/furlough
9. List this matter for compliance and perusal of the report of the



DHCLSC on **23.04.2025** in *supplementary list*.

10. Copy of the order be sent to Secretary, DHCLSC for compliance.

**MANMEET PRITAM SINGH ARORA, J**

**FEBRUARY 27, 2025/hp/AKT**

*Click here to check corrigendum, if any*