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

+ **W.P.(CRL) 3293/2025 & CRL.M.A. 29864/2025**

SURENDER SINGHPetitioner

Through: Mr. Nikhil Pillai,
Advocate from DHCLSC
with Ms. Muskaan Garg
and Mr. Abhiroop Sah,
Advocates.

versus

STATE OF NCT OF DELHIRespondent

Through: Mr. Rahul Tyagi, ASC for
the State with Mr. Sangeet
Sibou, Mr. Shubham
Goyal, Mr. Anshu Choth
and Mr. Harsh Kumar,
Advocates.
SI Ajay Sharma, PS
Mayur Vihar.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **04.12.2025**

1. The present petition is filed by the petitioner seeking his release on furlough for a period of three weeks.
2. Earlier, by order dated 13.05.2025, the petitioner's application for furlough was rejected by the respondent authority as he had not completed one year after readmission as is required under Standing Order No.01/2019.
3. By order dated 04.09.2025, the petitioner's application seeking furlough was rejected by the respondent authority citing Rule 1223(1) of Delhi Prison Rules, 2018 ('**DP Rules**').
4. In terms of the said Rule, the prisoner must have a good conduct in prison, should have earned reward in last 3 Annual



Good Conduct Remission ('AGCR') and should continue to maintain good conduct in order to entitle him for being released on furlough.

5. The respondent rejected the application since the petitioner, pursuant to dismissal of his appeal by the Hon'ble Apex Court, had surrendered on 30.07.2024, and therefore, at the time of consideration of the petitioner's application in the month of September, 2025, he had not earned 3 AGCR having not spent 03 years in custody after his surrender. In the opinion of this Court, the said Rule has been erroneously cited.

6. It is important to take note of Clause F(3) of Standing Order No. 01/2019, which provides as under:

"3. If the convict who was released on regular bail/ suspension of sentence till disposal of appeal and was readmitted in jail after a gap of more than one year, then the convict shall not be eligible immediately after admission in jail even if he had already earned 3 AGCRs during the period of incarceration before release on bail in the same case. The Superintendent may watch his conduct for one year from the date of readmission in jail after disposal of appeal. For example, if a convict is released on 15.06.2017 and is readmitted in jail on 15.06.2018 after disposal of appeal, the convict will be eligible for furlough on 15.06.2019 (after a period of one year subject to maintain continuing good conduct and not on immediately basis of earned AGCRs.)"

7. The Order provides that if the convict is readmitted in jail after a gap of more than one year, the convict earning 3 AGCR during the period of incarceration prior to his release will not make him eligible for grant of furlough immediately after admission in jail, and the Superintendent may watch the conduct of such a prisoner for one year from the date of readmission.

8. The aforesaid Order is applicable in the case of the



petitioner, whose sentence was suspended during the pendency of his appeal before the Hon'ble Apex Court. The petitioner was re-admitted in jail after a gap of more than 12 years and was therefore entitle for being released on parole or furlough after one year of his re-admission in jail, if he showed good conduct in that period.

9. The nominal roll of the petitioner indicates that prior to his sentence being suspended in the year 2012, he was released on furlough for the period between 09.02.2012 to 23.02.2012. Therefore, it can safely be presumed that the petitioner at that stage had already earned 3 AGCR prior to his release. The nominal roll also indicates that the petitioner's conduct has been satisfactory since his readmission.

10. In such circumstances, rejection of petitioner's application for release on furlough due to him not having earned 3 AGCR in terms of Rule 1223(1) of the DP Rules is without any merit, and therefore, rejection order dated 04.09.2025 is quashed.

11. Consequently, the respondent authority is directed to pass a fresh order in accordance with law within a period of two weeks from date, after considering the observations made by this Court in the present order.

12. The writ petition stands disposed of with the aforesaid observations. Pending application also stands disposed of.

AMIT MAHAJAN, J

DECEMBER 4, 2025/DU