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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3452/2024**

BHAGIRATH

.....Petitioner

Through: Mr. Siddarth Yadav, Advocate.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

24.03.2025

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[Physical Hearing/Hybrid Hearing (as per request)]

1. Through paragraph 6 of order dated 06.11.2024, the predecessor bench directed that the petitioner be released on Second Spell of Furlough for a period of two weeks, subject to his furnishing a personal bond and cash surety of Rs.5000/- to the satisfaction of the concerned Jail Superintendent and also subject to the conditions mentioned in order dated 05.07.2024 of W.P.(CRL) 1229/2024. However, the petition was not disposed of and specific report from office of DG Prisons was requisitioned through paragraph 4 of order dated 06.11.2024.
2. The said report from office of DG Prisons was requisitioned to explain as to whether while dismissing the Second Spell application for Furlough, earlier order of the predecessor bench passed on 05.07.2024 in W.P.(CRL) 1229/2024 was considered or not. In compliance, report dated 26.01.2025 was received from the concerned Superintendent of Jail, broadly explaining that while considering the furlough applications, the Jail Authorities are governed by Delhi Prison Rules, which cannot be abrogated.
3. Learned ASC, in all fairness, expresses inability to support the



reasoning given in the report dated 26.01.2025. In my considered view, once the ground of rejection of First Spell of Furlough was rejected by way of a judicial order, the Second Spell of Furlough cannot be rejected taking the same ground. Such decisions unnecessarily add to the dockets of the court and delay the grant of relief to which a prisoner is entitled. In the present case also, as observed by the predecessor bench in order dated 06.11.2024, the reasons cited by the office of DG Prisons while rejecting the Second Spell of Furlough were same as those mentioned in the rejection of First Spell. Adherence to the Prison Rules does not mean that the judicial decisions on same aspect would be ignored.

4. Copy of this order be sent to the DG Prisons to ensure that henceforth, the second and further spells for furlough shall not be denied to the prisoners on grounds on which First Spell was declined and after consideration of those grounds, this court allowed the First Spell.

5. Learned counsel for petitioner submits that he is not aware as to whether the petitioner has actually been released on Second Spell of Furlough in terms with order dated 06.11.2024. That being so, in case the petitioner has not been actually released on Second Spell of Furlough, he be so released in terms with order dated 06.11.2024. Accordingly, the petition stands allowed.

GIRISH KATHPALIA, J

MARCH 24, 2025/ry

Click here to check corrigendum, if any