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

+ **W.P.(CRL) 3522/2025**

SONU DAHIYA

.....Petitioner

Through: Mr. Shannu Baghel, Mr. Ganpat Ram,
Mr. Aakash, Mr. Saksham Kumar,
Advocates.

versus

STATE NCT GOVT OF DELHI

.....Respondent

Through: Ms. Rupali Bandhopadhyaya ASC with
Mr. Abhijeet Kumar, Adv, Ms.
Amisha Gupta, Adv.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

31.10.2025

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CRL.M.A. 31983/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

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3. Criminal Petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*), has been filed on behalf of the Petitioner, Sonu Dahiya for further extension of Furlough for a period of six weeks on medical grounds.
4. It is submitted in the Petition that he was granted first spell of Furlough *vide* Order dated 29.03.2025 and was released on Furlough for a period of three weeks on 10.10.2025, during which, he has consulted his



treating ENT surgeon, Dr. Urvashi Gaur (M.S. ENT, Vashisth Skin ENT Hospital), who has performed his earlier surgeries. After examination, the treating doctor diagnosed “otomycosis with ear discharge and impending tympanic membrane perforation”, indicating a relapse and failure of earlier surgical healing.

5. The Medical Certificate dated 27.10.2025 explicitly records that the Petitioner requires continuous home-based treatment for at least one month, strict ear hygiene, and close follow-up to prevent irreversible loss of hearing. He is under active medical management and returning to Jail at this delicate stage, would pose a serious threat to his recovery and his hearing. The Petitioner has maintained impeccable conduct throughout his incarceration as well as during all previous Furloughs and there is no adverse report against him.

6. The Medical Certificate dated 27.10.2025 unequivocally establishes the Petitioner’s need for continuous outpatient care to avoid surgical failure. Forcing his surrender at this stage, would defeat the very purpose of Furlough, resulting in irreversible loss and deterioration. The Petitioner’s ENT surgery in 2024, was the second corrective operation, necessitated by the failure of the earlier procedure in 2013. The recurrence of infection underscores the fragile post-operative condition, which demands dedicated and sterile care, which is impossible to be maintained within the prison environment.

7. Despite the earlier assurance by the State before this Court, no specialized ENT follow-up or treatment was provided during the Petitioner’s custody. The Jail OPD merely prescribed generic medicines, ignoring the complexity of the surgical site. The neglect caused relapse, warranting



compassionate extension of Furlough for recovery under expert medical supervision.

8. The Hon'ble Supreme Court of India in Asfaq vs. State of Rajasthan, (2017) 15 SCC 55, has held that Furlough is a reformatory right, intended to maintain a convict's social and family ties.

9. Similar observations have been made in Sunil Fulchand Shah vs. Union of India, (2000) 3 SCC 409 wherein it has been held that Furlough must be interpreted liberally and humanely. Denying extension despite medical necessity would be contrary to the reformatory and rehabilitative objectives of the law.

10. The Petitioner's conduct has consistently been satisfactory, with no instance of misuse or violation of Furlough terms. His continued good behaviour reinforces the *bona fide* nature of the present Petition. He has been granted Interim Bail four times by this Court and Furlough on different occasions and he has never misused the liberty. He undertakes to surrender on expiry of the Furlough period. Hence, a prayer is made that the Furlough may be extended by a further period of six weeks.

11. **Learned ASC on behalf of the State**, submits that it is purely a chronic ENT issue since 2012. As per the submissions made in the Petition itself, as per the Certificate of the Doctor dated 27.10.2025, only management is required, which can be done in the Jail as well. The extension of Furlough is, therefore, opposed.

Submissions heard and the record perused.

12. As per the Petitioner himself, he had a chronic ear issue and had undergone surgery in the year 2013. His claim that the surgery failed in the year 2024, needs much to be said. He may have developed complications



again in his ear, but he has already undergone subsequent surgery and has taken requisite treatment. As per the Certificate of the Doctor dated 27.10.2025, only management for one month is recommended. Such management can be provided in the Jail Hospital.

13. The extension of Furlough is hereby denied with the directions to the Jail Authorities, to permit him to take the prescribed medicines as per the Prescription of the doctor and also to provide requisite wherewithal for his management, which may include a visit to the OPD, as per the requirement.

14. With these observations, the extension of Furlough, is denied and the Petition is disposed of accordingly.

NEENA BANSAL KRISHNA, J

OCTOBER 31, 2025/RS