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

+ **W.P.(CRL) 3550/2025**

MOHD. SAJID @ BENAM

.....Petitioner

Through: Ms. Smriti S. Nair, Advocate.

versus

THE STATE (GOVT. OF NCT OF DELHI) AND ANR

.....Respondents

Through: Mr. Sanjay Lao, SC for State with
Ms. Priyam Agarwal and Mr.
Abhinav Kr. Arya, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
20.11.2025

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1. The Petitioner, a convict in FIR No. 113/2016 registered at P.S. Aman Vihar for the offences under Sections 506 and 34 of the Indian Penal Code, 1860¹ and Section 6 of the Protection of Children from Sexual Offences Act 2012,² has approached this Court seeking first spell of furlough for a period of three weeks. He further seeks quashing of the order dated 6th October, 2025 passed by the Respondent authorities, whereby his request for furlough was declined on the ground of the heinous nature of the crime committed by him.

2. While the Court is cognizant that the Petitioner stands convicted for, *inter alia*, offences under the POCSO Act, it is equally pertinent to note that as per the nominal roll, the Petitioner has undergone 06 years, 04 months

¹ "IPC"



and 16 days of actual imprisonment and has earned remission of 01 year, 05 months and 03 days as on 4th November, 2025. The unexpired portion of his sentence stands at 02 years, 02 months and 11 days. The nominal roll further records that the Petitioner's conduct during the last one year, as well as his overall jail conduct, has been satisfactory. In these circumstances, while the seriousness of the offence is not in dispute, it cannot be treated as a sole ground to deny the relief of furlough.

3. It must be noted that the provision of furlough is a benevolent one and is designed for the welfare of prisoners. The provision has the intent of rewarding prisoners for their good behaviour, when traces of reformation can be seen in them. Accordingly, considering the period of sentence undergone by the Petitioner and his satisfactory jail conduct, his request for furlough is allowed.

4. In view of the foregoing, order dated 06th October, 2025 passed by the Respondent rejecting the furlough application of the Petitioner is hereby set aside. The Respondent is directed to release the Petitioner on first spell of furlough for a period of three weeks, to re-establish the social-ties with family members, on furnishing of a personal bond in the sum of INR 15,000/- with one surety of the like amount subject to the satisfaction of the Jail Superintendent/Trial Court/Duty Metropolitan Magistrate, and further subject to the following conditions:

- (i) The Petitioner shall not leave the NCT of Delhi during the period of furlough, without the prior permission of this Court.
- (ii) The Petitioner shall provide the mobile number(s) to the concerned Jail Superintendent and SHO - P.S. Aman Vihar, at the time of his release,

² "POCSO Act"



which mobile number shall be kept in a working condition at all times.

(iii) The Petitioner shall appear before the SHO - P.S. Aman Vihar, Delhi, once every fortnight between 11:00 AM and 11:30 AM to mark his presence. However, he shall not be kept waiting for longer than one hour for this purpose.

(iv) The Petitioner shall positively surrender before the concerned Jail Superintendent on the expiry of the period of furlough.

5. With the above directions, the present petition stands disposed of.

6. Copy of the order be communicated to the concerned Jail Superintendent for information and necessary compliance.

SANJEEV NARULA, J

NOVEMBER 20, 2025/ab