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

+ **W.P.(CRL) 3659/2024**

ANJU @ SONIA @ BABY

.....Petitioner

Through: **Mr. Gautam Khazanchi and Ms. Aditi, Advocates**

versus

STATE (NCT OF DELHI)

.....Respondent

Through: **Mr. Sanjay Lao, Standing Counsel with Mr. Abhinav Kr. Arya and Mr. Aryan Sachdeva, Advocates along with Insp. Ashwani Ambariya, PS: GTB Enclave**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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28.01.2025

1. The present petition has been filed under Article 226 of the Constitution of India read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') seeking grant of an emergency parole for a period of three (3) months.
2. This petition was filed on 24.10.2024. Emergency Parole has been sought on the grounds that Petitioner is required by her elder daughter whose pre-board examination of 10+2 is shortly commencing and her mother who is 76 years of age is due for an eye operation.
3. Learned counsel for the Petitioner states that since the time period which would be granted to the Petitioner in a furlough was less, therefore, the Petitioner had applied on 27.09.2024 to the Competent Authority for



grant of parole. He states that the said application for grant of parole was returned vide order dated 07.10.2024, with the observation to allow the Petitioner to be enlarged on furlough, before considering her application for parole.

3.1 He states that therefore, the Petitioner applied for 3rd Spell of furlough, which application was not entertained and denied vide impugned order dated 21.10.2024, on the ground that as per the Nominal Roll the conviction year starts from 30.11.2024; and the application for furlough should be moved after 30.11.2024. He states that the denial of furlough on 21.10.2024 was erroneous.

3.2 He states that however, during the pendency of this petition, the new conviction year has come into effect from 30.11.2024 and even otherwise, the Petitioner has become entitled to the 1st Spell of Furlough for the conviction year beginning on 30.11.2024.

3.3 He states that the Petitioner has earned last three (3) Annual Good Conduct reports dated September, 2022, September, 2023 and September, 2024.

3.4 He states on instructions that the last Furlough was granted to the Petitioner on 02.08.2024, which was availed by the Petitioner on 31.08.2024 and she duly surrendered on 15.09.2024.

3.5 He states accordingly the relief in the present petition be moulded and the Petitioner be granted furlough of three (3) weeks as her 1st spell for the conviction year beginning on 30.11.2024.

4. Mr. Sanjay Lao, learned Standing Counsel states that the Nominal Roll available on record is dated 30.11.2024 and there is no clarity if the Petitioner has availed any Furlough after 15.09.2024.



5. In response, learned counsel for the Petitioner states that notice in this petition was issued on 22.11.2024, the Nominal Roll is dated 30.11.2024 and the Petitioner has not been enlarged on furlough or parole by the Competent Authority. He reiterates that the last furlough of the Petitioner was on 31.08.2024 for two weeks. He states that Petitioner be enlarged on terms and conditions which were imposed earlier vide order dated 02.08.2024 in W.P.(CRL) 2184/2024.

6. In view of the aforesaid facts, this Court is satisfied that the Petitioner is entitled for grant of Furlough as per Rule 1223 of Delhi Prison Rules 2018 for a period of three (3) weeks, subject to her furnishing a personal bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the Superintendent, Central Jail Tihar, New Delhi and subject to following conditions: -

- i) The Petitioner shall maintain peace and good behaviour during her period of release on Furlough;
- ii) During the period the Petitioner remains out on furlough, the Petitioner shall report to the SHO, Police Station Mansarovar Park, Delhi at 12.00 noon, every alternate Saturday. It is directed that under no circumstance shall the Petitioner be made to wait for more than one (1) hour for the purpose of such reporting;
- iii) The Petitioner shall also provide the SHO, PS Mansarovar Park, Delhi with mobile telephone number which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the SHO concerned.
- iv) The Petitioner shall not leave the National Capital Territory of Delhi during the period of Furlough, without the prior permission of



this Court;

v) The Petitioner shall not indulge in any criminal activity; and shall not communicate with or come in contact with the any member of the complainant/victim's family.

vi) That Petitioner shall surrender before the jail authorities at the expiry of the period of Furlough.

7. With the aforesaid directions the present petition stands disposed of along with pending applications (if any).

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

9. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

JANUARY 28, 2025/rhc/sk