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

+ **W.P.(CRL) 3815/2024**

SUSHIL KUMAR @ PANDITJI

.....Petitioner

Through: Mr. Siddharth Yadav and Mr. Parth
Kaushik, Advocates

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC for State
with Mr. Arjit Sharma and Mr. Nikunj
Bindal, Advocates
SI Naresh Kumar, PS Bhalswa Dairy

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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29.01.2025

1. This petition has been filed seeking the following reliefs: -

a) Issue a writ in the nature of Certiorari for quashing of order bearing
no. F.10(003472S73)/Legal/PHQ/2024/8486 Dated 27.11.2024
passed by respondent;

b) Issue a writ in the nature of Mandamus granting second (2nd) spell
of furlough for a period of two (2) weeks in FIR NO. 90/2010, D/S
302/201/34 IPC, P.S. Bhalswa Dairy;

2. The impugned order dated 27.11.2024 records that the Petitioner's
application for seeking the second spell of furlough has been rejected since
the Petitioner herein, who was on furlough for 3 weeks w.e.f. 22.04.2024 and
granted exemption from surrendering by Supreme Court in Special Leave
Petition (Crl.) vide diary no. 20439/2024 failed to surrender on 02.09.2024 as
per the directions of the Supreme Court.

3. The impugned order records that the Supreme Court vide order dated



02.09.2024 had dismissed the said SLP and it directed the Petitioner to surrender immediately. However, since the Petitioner surrendered on 04.09.2024 to the concerned prison authorities i.e., with delay of two days, therefore, a punishment of warning has been recorded against the Petitioner. And, in view of Rule 1224 (iii) of Delhi Prison Rules-2018 the Petitioner's application for seeking the second spell of furlough for two weeks was declined.

4. Learned counsel for the Petitioner states that the SLP preferred by the Petitioner was dismissed by the Supreme Court vide order dated 02.09.2024 and order and a direction was issued to the Petitioner herein to surrender immediately to the concerned prison authorities.

4.1. He states that the Petitioner took immediate steps and he surrendered at the earliest to the concerned prison authorities on 04.09.2024 without any undue delay.

4.2. He states that the Nominal Roll of the Petitioner would show that the Petitioner has been diligent in surrendering to the concerned prison authorities after each parole and furlough granted to him prior to his last furlough in April, 2024.

4.3. He states that the Petitioner undertakes that there will be no delay in surrender, in future. He states that the next conviction year would begin on 14.02.2025.

5. This Court has considered the submissions of the parties.

6. In the considered opinion of this Court, the directions issued to the Petitioner by the Supreme Court vide order dated 02.09.2024 to surrender immediately and the Petitioner's surrender on 04.09.2024 i.e., within 48 hours is a reasonable compliance of the said direction. Significantly, the Petitioner



was not re-arrested and had himself surrendered. Therefore, the delay of two days is not unreasonable in these peculiar facts.

7. This Court has perused the Nominal Roll of the Petitioner and it records that the conduct of the Petitioner has been satisfactory. The Nominal Roll records that the Petitioner has been on parole 8 times on furlough and 13 times prior to April, 2024 and he has always surrendered diligently and timely to the concerned prison authorities without any delay.

8. In view of above discussion and keeping in view the objective of grant of furlough, this Court deems it appropriate to grant the prayer of the Petitioner with respect to furlough for a period of two (2) weeks subject to the following conditions:

- i. The Petitioner shall furnish a personal bond in the sum of Rs. 10,000/- with one surety of the like amount, to the satisfaction of the Jail Superintendent concerned.
- ii. The Petitioner shall also provide the SHO, PS Bhalswa Dairy, 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.
- iii. The Petitioner shall not leave the National Capital Territory of Delhi during the period of furlough, without the prior permission of this Court.
- iv. The Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the complainant/victim or any member of the complainant/victim's family.
- v. The Petitioner is directed to surrender before the jail authorities at the expiry of the period of furlough.



9. The observations made in this order shall be borne in mind by the competent authority when the Petitioner moves a fresh application subsequently for furlough and parole in the next conviction year.
10. Learned ASC is directed to ensure that the status report dated 28.01.2025 sent by Superintendent, Central Jail is placed on record.
11. Accordingly, the impugned order dated 27.11.2024 is set aside and petition is disposed of in the aforesaid terms.
12. Pending applications (if any) are also disposed of as being rendered infructuous.
13. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
14. 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.

JANUARY 29, 2025/mt/ms **MANMEET PRITAM SINGH ARORA, J**
[Click here to check corrigendum, if any](#)