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

+ **W.P.(CRL) 3759/2025, CRL.M.A. 33860/2025**

SHAN MOHD @ CHAUDHARY

.....Petitioner

Through: Ms. Priyal Bhardwaj and Mr. Chetan
Bhardwaj, Advs.

versus

STATE GNCT OF DELHI

.....Respondent

Through: Mr. Amol Sinha, ASC for State with
Mr. Kshitiz Garg, Mr. Ashvini
Kumar, Mr. Luv Mahajan, Mr. Nitish
Dhawan, Ms. Chavi Lazarus and
Mr. Manan Wadhwa, Advs. with
Inspector Sachin Kumar Verma,
PS: Krishna Nagar.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **10.12.2025**

1. Writ Petition under Article 226 of Constitution of India read with Section 528 B.N.S.S. has been filed on behalf of the Petitioner challenging Order dated 11.10.2025 vide which the furlough has been denied to the Petitioner on the ground that the co-convict Sohrab, who had been released on furlough on 19.05.2025, has absconded and still not arrested; and release the Petitioner on furlough for 03 weeks to re-establish his social ties.
2. It is submitted that Petitioner's Furlough has been dismissed on the ground that he was a habitual offender. Vide Advisory No.V-1.7014/2024-PR, Ministry of Home Affairs, Government of India has defined that who is a habitual offender. Petitioner is not entitled to grant of Furlough.
3. Reliance is placed on Judgment dated 03.10.2024 passed by Hon'ble Supreme Court of India in case of Sukanya Shantha vs. Union of India and



Ors. It is also stated that co-accused Sohrab has jumped the Furlough on 19.05.2025 and has not surrendered till date.

4. Learned counsel for the Petitioner submits that the Director General of Prisons himself had granted Furlough to the Petitioner three times, i.e. two times in 2024 and one time in 2025. In all these years, address of Petitioner was that of Lucknow, U.P. Therefore, impugned Order is liable to be set aside.

5. Learned ASC for the State referred to the Status Report, wherein it has been submitted that local Police had visited Lucknow, U.P. and got Petitioner's past antecedents. As per Social Status Report and Criminal Report received from DCP, Police Commissionerate Lucknow, U.P., Petitioner has been involved in 16 criminal cases of murder, robbery, dacoity, attempt to murder, Arms Act and NDPS Act. He has no source of livelihood and therefore, if he is released on Furlough, he can commit cognizable offence and can threaten and harm the witnesses. He has also been convicted in 05 cases.

6. It is further submitted that co-convict Sohrab, who had jumped the Furlough on 19.05.2025, has now been arrested.

Submissions heard and record perused.

7. Only ground for opposing the Furlough is that the Petitioner is habitual offender. However, he has been granted Furlough three time in the past 02 years by Director General of Prisons, himself.

8. There is no change of circumstances. Though some arguments have been addressed in respect of jumping of Furlough by co-accused Sohrab, but record shows that he has now been apprehended on 21.11.2025.

9. Considering the purpose of release of individual on Furlough, which



is essentially to establish social ties and is also relevant for the mental health of the convict, Petitioner be released on Furlough for a period of **three weeks**, after verifying his address and on the following terms and 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.
- ii. The Petitioner shall report to the SHO of the local area once a week on every Monday between 10:00 AM to 11:00 AM during the period of furlough.
- iii. The Petitioner shall furnish a telephone/mobile number to the Jail Superintendent as well as SHO of local police station, on which he can be contacted, if required. The said telephone number shall be kept active and operational at all the times by the Petitioner.
- iv. The Petitioner shall ordinarily reside at the address mentioned in the Petition.
- v. Immediately upon the expiry of period of furlough, the Petitioner shall surrender before the Jail Superintendent concerned.
- vi. The period of furlough shall be counted from the day when the Petitioner is released from jail.

10. Writ Petition along with pending Applications is disposed of.

NEENA BANSAL KRISHNA, J.

DECEMBER 10, 2025/R