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

+ **W.P.(CRL) 3875/2024**

VIJAYPAL

.....Petitioner

Through: Mr. Siddharth Yadav, Advocate

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC for the
State with Mr. Arjit Sharma and Mr.
Nikunj Bindal, Advocates with SI
Sumit, P.S.: South Rohini.

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: -

Issue a writ in the nature of Mandamus granting first (1st) spell of furlough for a period of three (3) weeks to the petitioner in FIR NO. 119/2004, U/S 302/392/394/34 IPC, P.S. South Rohini;

2. The impugned order dated 24.12.2024 passed by the DS-Legal, PHQ, Delhi Prisons records that the Petitioner's application for grant of first spell of furlough for three (3) weeks has been declined in view of the punishment ticket dated 25.11.2024 issued to him for late surrender in October, 2024.

3. Learned additional standing counsel has handed over the status report dated 28.01.2025 and has drawn this Court's attention to paragraph nos. 9 and 10 therein.

4. He however, fairly states that punishment ticket dated 25.11.2024 has not been approved by the learned Inspecting Judge, Central Jail No. 2,



therefore, the Petitioner may be directed to file a fresh application for furlough and the same will be considered in accordance with law.

5. This Court has perused the Petitioner's Nominal Roll dated 28.01.2025.

6. The current conviction year of the Petitioner commenced on 03.09.2024.

7. The Petitioner applied for the first spell of furlough on 18.11.2024.

8. The Petitioner has thus already lost over two (2) months due to the impugned rejection order dated 24.12.2024. Since the only ground recorded in the impugned order is the issuance of punishment ticket dated 25.11.2024, which has not been approved and thus is deemed to be non-existent, this Court deems it appropriate to allow the present writ petition with a direction that the Petitioner be released on the first spell of furlough for three (3) weeks for the conviction year starting from 03.09.2024 on the following terms and conditions;

- i. The petitioner shall furnish a personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand only) with one surety of the like amount to the satisfaction of the Jail Superintendent.
- ii. During the period the petitioner remains out on furlough, the petitioner shall report to the SHO, PS Chola, Post Sikhera on every Monday at 11:30 AM and will not be kept waiting for more than an hour.
- iii. The petitioner shall also provide the SHO, PS Chola, Post Sikhera 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. The mobile



number will also be provided to the Jain Superintendent, Central Jail no. 2.

- iv. The petitioner shall not leave the Country 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 complainant/victim or any member of the complainant/victim's family.
 - vi. The petitioner is directed to surrender before the jail authorities at the expiry of the period of furlough.
9. With the aforesaid direction, the petition is disposed of. Pending applications (if any) are also disposed of as being rendered infructuous.
10. The learned ASC is directed to file the status report dated 28.01.2025 on record.
11. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
12. 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

MANMEET PRITAM SINGH ARORA, J

[Click here to check corrigendum, if any](#)