



2025:DHC:5580



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

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*Date of Decision: 14.07.2025*+ **W.P.(CRL) 4048/2024**

VIKAS @ VICKY @ PONGA

.....Petitioner

Through: Mr. Siddharth Yadav and Mr. Anmol  
Kumar, Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Amol Sinha, ASC for State.

**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. Petitioner has assailed order dated 05.12.2024 of the Competent Authority, whereby his request for furlough was rejected. The petitioner has also sought to be released on first spell of furlough for a period of three weeks in case FIR No.384/2009 of PS Sultanpuri for offences under Section 302/394/34 IPC and 25 Arms Act. Status report, opposing the petition was filed on behalf of respondent. I have heard the learned counsel for petitioner and learned ASC for respondent.

2. By way of the impugned order dated 05.12.2024, the Competent Authority rejected the request of the petitioner to be released on furlough largely on the ground that on emergency parole he was released on



16.04.2021 (*apparently the period of covid pandemic*) and the release was extended from time to time till 06.04.2023; however, on 09.10.2021, the petitioner got involved in another case which was for offence under Section 21 NDPS Act. Thus, according to the impugned order the petitioner violated conditions of emergency parole. Further, the Competent Authority took a view that the overall conduct of petitioner was found to be unsatisfactory, so he is not entitled to furlough.

3. Learned counsel for petitioner contends that the impugned order is not sustainable insofar as the alleged involvement in fresh case under NDPS Act took place way back in the year 2021 and that cannot be a ground to deny the relief of furlough now.

4. Learned ASC, in all fairness submits that the impugned order cannot be sustained because apart from the said involvement under NDPS Act, there is nothing adverse against the petitioner in the nominal rolls.

5. As per nominal rolls dated 10.01.2025, the petitioner has already undergone incarceration for 14 years, 06 months and 22 days. The petitioner was released on furlough as many as 11 times and he surrendered in time always, except once, when he got late by one day according to the nominal roll.

6. I find substance in the submissions of learned counsel for petitioner that the alleged involvement in the case under NDPS Act took place long



ago in the year 2021, so that should not be a ground to deny him furlough now, keeping in mind the vital significance of furlough as a tool for reformation of the convict.

7. In view of the aforesaid, the petition is allowed and the impugned order is set aside. The petitioner be released forthwith on first spell of furlough for a period of 03 weeks in case FIR No.384/2009 of PS Sultanpuri for offence under Section 302/394/34 IPC, subject to petitioner furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the concerned Jail Superintendent. It is directed that the petitioner shall remain confined to his residential area during the period of furlough and shall keep his mobile phone switched on, so that he is accessible. The concerned Jail Superintendent, while releasing the petitioner on furlough, shall inform him in writing the specific date when he has to surrender in the jail.

8. Copy of this order be sent to concerned Jail Superintendent for compliance.

**GIRISH KATHPALIA  
(JUDGE)**

**JULY 14, 2025/ry**