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

+ **W.P.(CRL) 107/2025**

GULFAM

.....Petitioner

Through: Ms. Sunita Arora (DHCLSC),
Advocate.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel
(criminal) for the State with Mr.
Abhinav Kr. Arya, Advocate.
Insp. Dinesh Chandra, PS Khajuri
Khas.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

15.01.2025

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1. This hearing has been done through hybrid mode.

CRL.M.A. 956/2025 (Exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

W.P.(CRL) 107/2025

3. The present petition under Article 226 of the Constitution of India read with Section 528 of the BNSS seeks following prayers:-

- “a. Allow Writ petition under article 226 of the constitution of India read with section 528 BNSS by releasing the petitioner on furnishing a single surety instead of two sureties; and
b. Issue a Writ in the nature of Certiorari quashing the impugned order No. F.10(3750154)/CJ/LEGAL/PHQ/2024/8707 dated 05.12.2024;
c. Pass any other order or further orders, which this Hon’ble Court deems fit and proper in the interest of justice;”

4. Learned counsel appearing on behalf of the petitioner submits that the



latter has been granted third spell of furlough *vide* order dated 08.10.2024 by the competent authority, *i.e.*, Office of the Director General (Prisons), Prison Headquarters, Tihar, New Delhi. The condition which was imposed for the release on furlough is furnishing of two sureties of Rs. 10,000/- each along with a personal bond of the like amount to the satisfaction of Superintendent, Central Jail No. 2.

5. Learned counsel appearing on behalf of the petitioner submits that the latter had filed an application seeking modification of the aforesaid order which has been declined by the competent authority *vide* order dated 13.11.2024.

6. Learned counsel appearing on behalf of the petitioner submits that on previous occasions the petitioner had been released on furlough on the same condition and his wife and mother-in-law used to stand surety for him. It is submitted that, however, the mother-in-law on account of her health issues is unable to now stand as a surety for the petitioner and therefore the petitioner seeks modification of the said condition.

7. Issue notice.

8. Learned Standing Counsel for the State accepts notice and has handed over the nominal roll dated 13.11.2024 in Court today with respect to the present petitioner and the same has been taken on record. In the nominal roll, it has been reflected that the petitioner has undergone a total sentence of 9 years 4 months and 25 days along with remission of 1 year 8 months and 5 days. It is reflected through the aforesaid nominal roll that the petitioner has already been released on two spells of furlough and has not misused the liberty granted to him.

9. In totality of the facts and circumstances of the case, the present petition



is allowed. The order dated 08.10.2024 is modified to the extent that the petitioner shall furnish one surety of Rs. 10,000/- along with a personal bond of the like amount to the satisfaction of the Superintendent, Central Jail No. 2.

10. Petition is allowed and disposed of, accordingly.

11. Pending application(s), if any, also stand disposed of.

12. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.

13. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

JANUARY 15, 2025/sn

Click here to check corrigendum, if any