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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 313/2026

MOHD TANVIR

.....Petitioner

Through: Mr. Zeeshan Diwan, Advocate with
Mr. Harsha, Advocate and Ms. Ankita
Yadav, Advocate.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel for
the State with Mr. Abhinav Arya and
Mr. Aryan Sachdeva, Advocates.
SI Mukul Yadav, P.S.: Keshav
Puram.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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29.01.2026

CRL.M.A. 2994/2026 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed of.

W.P.(CRL) 313/2026

By way of the present petition filed under Article 226 of the Constitution of India read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks furlough in case FIR No.335/2011 registered under sections 302/34 of the Indian Penal Code, 1860 at P.S.: Keshav Puram, Delhi for a period of 03 weeks.

2. *Vidé* order dated 19/20.12.2025, the petitioner's application for his first spell of furlough has been rejected by the competent authorities. The ground for rejection cited in that order is that the petitioner was 01 day late in surrendering back to custody after expiry of the



furlough granted to him previously, which led to issuance of a Punishment/Warning dated 10.06.2025 to him.

3. Mr. Zeeshan Diwan, learned counsel appearing for the petitioner submits, that as would be seen from Nominal Roll dated 12.01.2026, the petitioner has served actual custody of more than 13½ years and has earned remission of more than 3½ years; his jail conduct has been ‘satisfactory’ (except for Punishment/Warning dated 10.06.2025) and he has been working in jail as *Safai Sahayak*.
4. Mr. Diwan argues, that infact, the grounds cited for rejection, namely violation of Standing Order No. 1/2019 for surrendering late by 01 day, does not amount to a prison offence that is to be considered while granting or denying furlough.
5. Mr. Diwan has also drawn attention to Judgment dated 03.09.2025 passed by a Co-ordinate Bench of this court in W.P.(CRL) 2799/2025, wherein the Bench has observed as follows:

*“5. Apart from the aforesaid, the authorities must keep in mind the basic purpose of the concepts of parole and furlough. **The requests for parole and furlough have to be examined in a paradigm different from other issues. The basic purpose of these provisions is to prevent prisonization and thereby the same are steps towards reformation of the convict. Merely because the convict released on parole and/or furlough fails to surrender in time, unless there are other inculpatory circumstances, delay of a day or two in surrender must be examined with a slight tilt in favour of the convict in order to ensure proper utilization of these tools of reformation.***

*“6. Further, it appears that earlier, the respondent had issued a notification holding that punishment of **warning** shall not stand in the way of granting furlough, but that notification was withdrawn. **Suffice it to record that prima facie, the said withdrawal was a***



regressive step, not consonant with the concept of reformation of the convict.”

(emphasis supplied)

6. Mr. Diwan submits, that in the aforesaid backdrop, the learned Predecessor Bench had also proceeded to observe the following:

*“6.2. However, since the said withdrawal of the notification has not been challenged, **I would refrain from discussing further except that the authorities are expected to re-examine the same.**”*

(emphasis supplied)

7. It is submitted however, that despite the observation of the Co-ordinate Bench in the aforesaid ruling, the competent authorities have not yet re-examined withdrawal of the notification.
8. Issue notice.
9. Mr. Sanjay Lao, learned Standing Counsel (Crl.) appears on behalf of the State on advance copy; and accepts notice.
10. Mr. Lao submits, that considering the fact that the petitioner was only 01 day late in surrendering back to custody, the court may pass appropriate orders in the matter.
11. Insofar as re-examining the withdrawal of the earlier notification, referred-to above, is concerned, Mr. Lao submits that he would communicate with the concerned authorities to do the needful *expeditiously*.
12. Upon a conspectus of the foregoing facts and circumstances, this court is inclined to allow the present petition. Accordingly, Order dated 19/20.12.2025 passed by the concerned authorities is set-aside.



13. The petitioner - **Mohd. Tanvir s/o Mohd. Ishak** - is granted his 1st spell of *furlough* for a period of 03 (three) weeks from the date of his release, subject to the following conditions:
- 13.1. The petitioner shall furnish a personal bond in the sum of Rs.10,000/- (Rs. Ten Thousand Only) with 01 surety in the like amount from a family member, to the satisfaction of the Jail Superintendent;
- 13.2. The petitioner shall not leave the NCT of Delhi without permission of the court and shall *ordinarily* reside at his address as per prison records. However, since the petitioner's native place is in Warish, Samastipur, Bihar, he shall be permitted to travel to his native place and to reside there during the period of furlough;
- 13.3. The petitioner shall present himself before the S.H.O., P.S.: Warish, Samastipur, Bihar every Thursday between 11 am and 11:30 am to mark his presence. However, he will not be kept waiting longer than an hour for this purpose;
- 13.4. The petitioner shall furnish to the S.H.O., P.S.: Kalyan Puri a cellphone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
- 13.5. If the petitioner has a passport, he shall surrender the same to the Jail Superintendent;
- 13.6. The petitioner shall not indulge in any act or omission that is unlawful or that would prejudice the proceedings in pending cases, if any; and



- 13.7. Upon expiry of the period of parole, the petitioner shall surrender before the Jail Superintendent.
14. Let a copy of this order be communicated by the Registry to the concerned Jail Superintendent *expeditiously*.
15. Mr. Diwan submits, that in view of what the court has directed above, they would not be pressing their challenge to the constitutionality of Standing Order No. 1/2019 in the present proceedings; however reserving liberty to raise such challenge in an appropriate case, if found necessary, in accordance with law.
16. It is also directed that the 01-day delay in surrendering referred to above, shall not be considered by the concerned authorities while deciding any future furlough/parole applications filed by the petitioner.
17. Petition is disposed-of in the above terms.
18. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

JANUARY 29, 2026

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