



2026:DHC:10



\$~

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

%

*Judgment reserved on: 26.11.2025**Judgment pronounced on: 05.01.2026**Judgment uploaded on: 06.01.2026*+ **W.P.(CRL) 646/2025**

VASUDEV

.....Petitioner

Through: Mr. Shannu Baghel, Advocate
along with Mr. Sudhir Kumar,
Mr. Ganpat Ram and Mr.
Vivek Kumar, Advocates.

versus

STATE NCT GOVT OF DELHI

.....Respondent

Through: Mr. Rahul Tyagi, ASC for the
State along with S.I. Roopa
and PSI Manish.

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. By way of the present writ petition, the petitioner seeks quashing of the orders dated 05.07.2024 and 01.10.2024, passed by the competent authority, whereby the petitioner was granted the second and third spells of furlough, respectively. The petitioner prays that the said orders be treated as granting the first and second spells of furlough, and that he consequently be permitted to avail the third spell of furlough during the conviction year 2024–2025.



2026:DHC:10



2. The relevant facts, in brief, are that the petitioner is presently lodged in Central Jail No. 14, Mandoli, Delhi, and is undergoing life imprisonment awarded to him in case arising out of FIR No. 181/2012, registered at Police Station GTB Enclave, Delhi, for commission of offence under Section 302 of the IPC. The petitioner has been in judicial custody since 29.08.2012, has undergone more than 13 years of actual incarceration, and has earned remission exceeding two years. It is not in dispute that the petitioner has previously been granted furlough on twelve occasions and parole twice. The petitioner's conviction year commences on 09th April of each year.

3. The case of the petitioner, as urged by the learned counsel appearing on his behalf, is that the respondent authorities have failed to consider his furlough applications in accordance with the Delhi Prison Rules, 2018 [hereafter '*DPR, 2018*'] resulting in an erroneous counting of furlough spells and the consequent denial of his entitlement to the third spell of furlough during the conviction year 2024–2025.

4. It is contended that the petitioner had initially been granted the first spell of furlough for a period of three weeks *vide* order dated 13.06.2023, subject to furnishing one surety in the sum of ₹4,000/- along with a personal bond of the like amount. Owing to his inability to arrange a surety, the petitioner had moved an application dated 13.07.2023 seeking modification of the said condition so as to permit his release on a personal bond alone. The said application, however,



2026:DHC:10



came to be rejected *vide* order dated 04.09.2023. Aggrieved thereby, the petitioner had approached this Court by way of W.P.(Crl.) 2680/2023, wherein this Court, *vide* order dated 18.09.2023, had allowed the petitioner's prayer and directed his release on a personal bond. Upon expiry of the said furlough, the petitioner had surrendered in accordance with the Rules. It is further submitted that after the mandatory waiting period of one month, as prescribed under the DPR, 2018, the petitioner had applied for the second spell of furlough on 14.11.2023, once again requesting release on personal bond. However, *vide* order dated 14.12.2023, the competent authority granted furlough for a period of two weeks, again insisting upon the furnishing of a surety, without addressing the petitioner's specific plea. This compelled the petitioner to again file an application for modification of said condition on 15.01.2024, and in the meantime, he also approached this Court by filing W.P.(Crl.) 149/2024, which was allowed *vide* order dated 29.01.2024, permitting his release on personal bond. It is stated that the petitioner thereafter applied for the third spell of furlough for the conviction year 2023–2024 on 01.04.2024, i.e., prior to the expiry of the said conviction year. However, the said application was decided only on 16.04.2024, i.e., after the commencement of the next conviction year, but the same was treated by the respondent as the third spell of furlough only, as recorded in the order itself.

5. It is stated that the petitioner then applied for the first spell of furlough for the subsequent conviction year 2024–2025 on



2026:DHC:10



13.06.2024. However, *vide* order dated 05.07.2024, the respondent granted the second spell of furlough for a period of three weeks, without assigning any reason as to why the petitioner's application was not being treated as one for the first spell. Thereafter, *vide* another order dated 01.10.2024, the petitioner was granted the third spell of furlough for a period of two weeks, instead of the second spell.

6. Aggrieved by the aforesaid, the petitioner preferred W.P.(Crl.) 14/2025, wherein this Court, *vide* order dated 08.01.2025, directed the respondent to treat the petition as a representation and decide the same within four weeks. Pursuant thereto, the respondent rejected the petitioner's representation *vide* the impugned order dated 07.02.2025, which reads as under:

“As per rule 1221 of Delhi Prison Rules, 2018, a convict is entitled only 49 days furlough in three spells in a conviction year. Since, he has already availed 49 days furlough in present conviction year, hence, his furlough stands rejected. He may apply for a fresh application for grant of furlough in his next conviction year which starts w.e.f. 09.04.2025.

The convict may be informed under proper acknowledgement.”

7. The core grievance of the petitioner is that the delay attributable solely to the respondent authorities, particularly in deciding his modification application dated 13.07.2023 seeking release on personal bond, resulted in delay in the petitioner's subsequent furlough spells. Consequently, although the petitioner had applied for the third spell of furlough within the conviction year



2026:DHC:10



2023–2024, the same was decided after the commencement of the next conviction year; thus, leading to an incorrect computation of furlough spells and the denial of his legitimate entitlement to third spell of furlough in the conviction year 2024-25 as per DPR, 2018.

8. The learned ASC appearing for the State, *per contra*, submits that the petitioner has impugned the order dated 07.02.2025, whereby his request for grant of the third spell of furlough was rejected on the ground that he had already availed the maximum permissible period of 49 days (seven weeks) of furlough in three spells during the conviction year 2024-25. It is argued that once the statutory cap prescribed under the DPR, 2018 stood exhausted, the competent authority was left with no discretion but to reject the petitioner's request. It is further contended that the petitioner was unable to avail the third spell of furlough for the conviction year 2023–2024 within the said conviction year owing to his own conduct, inasmuch as he repeatedly sought modification of the conditions imposed in the furlough orders on the ground that he was unable to furnish the required surety. According to the learned ASC, the delay occasioned on this account cannot be attributed to the respondent authorities. Reliance is placed on Rule 1221 of the DPR, 2018, which stipulates that a prisoner, subject to fulfilment of eligibility conditions, may avail total seven weeks of furlough in three spells in a conviction year, and that no furlough beyond the said limit is permissible. The learned ASC also places reliance on Standing Order No. 01/2019 dated 26.03.2019, to contend that in cases where the period of



2026:DHC:10



furlough overlaps two conviction years, the portion of furlough actually availed in the subsequent conviction year is required to be accounted for in that subsequent conviction year. It is submitted that, applying the said Standing Order, the respondent has correctly computed the furlough spells and periods availed by the petitioner. It is, therefore, argued that the impugned order dated 07.02.2025 has been passed strictly in accordance with the DPR, 2018 and Standing Order No. 01/2019, and does not warrant any interference by this Court.

9. This Court has **heard** arguments addressed on behalf of the petitioner as well as the State, and has perused the material available on record.

10. In a nutshell, the grievance of the petitioner is that although he had applied for the third spell of furlough within the conviction year 2023–2024, the same was decided by the respondent authorities after the commencement of the next conviction year, and the alleged administrative delay, coupled with repeated insistence on furnishing surety despite judicial modification of conditions, has eventually led to an erroneous computation of furlough spells, which deprives the petitioner of his legitimate entitlement to avail the third spell of furlough during the conviction year 2024–2025.

11. At the outset, it would be apposite to notice the relevant dates and events, which are crucial for adjudicating the controversy involved in the present petition:



2026:DHC:10



- a) The petitioner's conviction year 2023–2024 commenced on 09.04.2023, and after surrendering from his previous furlough on 05.04.2023, he became eligible, in terms of Rule 1212 of the DPR, 2018, to apply for fresh furlough from 05.05.2023, pursuant where to he submitted an application on 06.05.2023.
- b) The petitioner was granted the first spell of furlough for a period of three weeks vide order dated 13.06.2023, subject to furnishing one surety of ₹4,000/- along with a personal bond; however, owing to his inability to arrange the surety, he sought modification of the said condition by way of application dated 13.07.2023, which request came to be rejected by the competent authority only on 04.09.2023.
- c) Aggrieved by the rejection of his request for modification, the petitioner approached this Court in W.P.(Crl.) 2680/2023, and pursuant to the order dated 18.09.2023, permitting his release on personal bond, the petitioner was released on furlough from 21.09.2023 to 12.10.2023, and he surrendered within time on 13.10.2023.
- d) After observing the mandatory one month period, the petitioner became eligible to apply for the second spell of furlough on 13.11.2023, and upon his application dated 13.11.2023, the competent authority granted the second spell for two weeks *vide* order dated 14.12.2023, again subject to furnishing surety, which led the petitioner to seek modification of the condition and, thereafter, approach this Court in W.P.(Crl.) 149/2024.



2026:DHC:10



- e) Pursuant to the order of this Court dated 29.01.2024, modifying the conditions of release, the petitioner was released on the second spell of furlough from 05.02.2024 to 19.02.2024, and he surrendered on 20.02.2024.
- f) Upon surrender on 20.02.2024, the petitioner became eligible to apply for the third spell of furlough on 20.03.2024, and he submitted the application for the said spell on 01.04.2024, i.e., prior to the expiry of the conviction year 2023–2024.
- g) The said application for the third spell of furlough was decided by the competent authority on 16.04.2024, by which time the conviction year 2023–2024 had already ended on 08.04.2024, and the furlough was consequently availed by the petitioner in the subsequent conviction year 2024–2025.
- h) Thereafter, during the conviction year 2024–2025, the petitioner availed furlough from 23.04.2024 to 07.05.2024 (granted to him on the application submitted in previous conviction year), 06.07.2024 to 27.07.2024, and 02.11.2024 to 16.11.2024, aggregating to seven weeks, on the basis of which the respondent rejected the petitioner's request for grant of any further furlough in the said conviction year *vide* order dated 07.02.2025, invoking Rule 1221 of the DPR, 2018.
12. From the aforesaid, it is clear that in the conviction year 2023–2024, pursuant to the furlough orders dated 13.06.2023 (first spell) and 14.12.2023 (second spell), the petitioner was unable to furnish the stipulated surety and, consequently, sought he had modification



2026:DHC:10



of the conditions of furlough. In terms of Rule 1231 of the DPR, 2018 read with Standing Order No. 01/2019 dated 26.03.2019, an application seeking modification of the conditions of furlough can be preferred by a convict only after the expiry of four weeks from the date of the furlough order. Admittedly, at both instances, the petitioner complied with the said requirement and preferred modification applications, which were rejected by the competent authority. Thereafter, the petitioner approached this Court seeking appropriate relief, which was eventually granted. In this backdrop, it becomes evident that the delay in the petitioner actually availing the furlough spells was *substantially* on account of his inability to furnish the required surety bond.

13. It is, however, true that on the first occasion, although the petitioner filed the modification application on 13.07.2023, i.e., immediately after completion of the prescribed four-week period from the furlough order dated 13.06.2023, the competent authority took about 50 days to decide the same, which ultimately came to be rejected on 04.09.2023. *Nevertheless*, a perusal of Standing Order No. 01/2019 reveals that while it regulates the manner in which such requests for modification of furlough/parole orders are to be processed, it does not prescribe any specific timeline for deciding an application seeking modification of the conditions of furlough or parole. Though Rule 1229 of the DPR, 2018 mandates that an application for grant of furlough be decided within four weeks, no corresponding time limit has been stipulated for deciding an



2026:DHC:10



application seeking modification of an already granted furlough or parole order.

14. Further, the record also indicates that even after the rejection of the modification application on 04.09.2023, the petitioner approached this Court and the matter first came up for consideration on 18.09.2023, i.e., after a gap of about 15 days, which period cannot be entirely attributed to the respondent authorities.

15. Moreover, after surrendering from the second spell of furlough on 20.02.2024, the petitioner became eligible to apply for the third spell of furlough on 20.03.2024. However, the petitioner chose to file the said application only on 01.04.2024, i.e., after a delay of about ten days from the date of his eligibility. This delay, too, is attributable to the petitioner and assumes relevance in assessing the sequence of events leading to the third spell of furlough being decided after the commencement of the next conviction year.

16. Thus, merely because the competent authority took some time in deciding the petitioner's applications seeking modification of the conditions of furlough, in the absence of any prescribed time limit for deciding such applications either under the DPR, 2018 or under Standing Order No. 01/2019 dated 26.03.2019, it cannot be held that the delay in the petitioner availing the third spell of furlough was entirely attributable to the competent authority. It is a matter of fact that on each occasion, it was the petitioner who had sought modification of the furlough orders and thereafter approached this



2026:DHC:10



Court, and also did not apply for the third spell of furlough immediately upon becoming eligible, but chose to do so after a lapse of about ten days.

17. At this stage, it would also be apposite to refer to Standing Order No. 01/2019 dated 26.03.2019, wherein Rule 19 provides as under:

“19. Superintendent should brief convicts in weekly parade about availing all the three spells of furlough in the same conviction year without any overlap. In the event of overlap, the part/period of furlough availed in the next conviction year shall be deducted from the spell of the next conviction year furlough.”

18. In the present case, although the petitioner applied for the third spell of furlough pertaining to the conviction year 2023–2024 on 01.04.2024, the said conviction year came to an end on 08.04.2024, and the application was ultimately decided and allowed only on 16.04.2024. Consequently, the furlough was actually availed by the petitioner in the subsequent conviction year 2024–2025, and in view of the express stipulation contained in Rule 19 of Standing Order No. 01/2019, the competent authority was justified in accounting the said furlough spell as falling in the conviction year 2024–2025. It is also relevant to note that the petitioner has not laid any challenge to the validity of the said Standing Order.

19. It is further a matter of record that in terms of Rule 1221 of the DPR, 2018, a convict is entitled to avail furlough for a maximum period of seven weeks in a conviction year. In the present case, the



2026:DHC:10



petitioner has admittedly availed 49 days (seven weeks) of furlough during the conviction year 2024–2025, i.e. from 23.04.2024 to 07.05.2024, 06.07.2024 to 27.07.2024, and 02.11.2024 to 16.11.2024.

20. Therefore, once the statutory limit prescribed under Rule 1221 of the DPR, 2018 stood exhausted, the petitioner ceased to have any enforceable right to seek grant of any further furlough in the same conviction year, and the competent authority cannot be faulted for rejecting his request *vide* the impugned order dated 07.02.2025.

21. In view of the foregoing discussion and findings, this Court is of the considered opinion that the impugned order dated 07.02.2025 does not suffer from any illegality, arbitrariness, or infirmity warranting interference under writ jurisdiction.

22. Needless to state, the petitioner shall be at liberty to apply for furlough afresh in accordance with the rules in the next conviction year.

23. However, **before parting with the present case**, this Court is constrained to observe that while Rule 1229 of the DPR, 2018 prescribes a time limit of four weeks for deciding an application for grant of furlough, no corresponding timeline has been stipulated either under the DPR, 2018 or under Standing Order No. 01/2019 for deciding an application seeking modification of the conditions of furlough. The absence of such a time-bound mechanism has the potential to result in avoidable delays, particularly in cases where



2026:DHC:10



convicts are unable to comply with conditions such as furnishing of surety and are compelled to seek judicial intervention also.

24. In order to obviate such situations in future, this Court deems it appropriate to direct that a copy of this judgment be forwarded to the *Principal Secretary (LJ&LA), Government of NCT of Delhi*, for consideration of the issue as to whether a reasonable time limit ought to be prescribed for deciding applications seeking modification of furlough conditions under the DPR, 2018 and the relevant Standing Orders, so that similarly situated convicts are not prejudiced due to procedural delays.

25. With above directions, the present petition is disposed of.

26. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

JANUARY 05, 2026/zp

TD