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

+ W.P.(CRL) 1156/2026 & CRL.M.A. 11063/2026

NITIN VERMA

.....Petitioner

Through: Ms. Mehak Nakra, Mr. Anubhav Mehrotra, Ms. Gunjan Suyal, Advocates.

Versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Yasir Rauf Ansari, ASC with Mr. Alok Sharma, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **10.04.2026**

1. Issue notice. Mr. Yasir Rauf Ansari, learned Additional Standing Counsel, accepts notice on behalf of the State.
2. The petition is taken up for hearing with the consent of learned counsel for the parties.
3. The petitioner is undergoing a sentence of life imprisonment having been convicted under Section 302 of the Indian Penal Code, 1860, in proceedings arising out of FIR No. 243/2008 registered at Police Station Dwarka, Delhi.
4. By way of the present petition under Article 226 of the Constitution, the petitioner assails an order dated 19.02.2026, passed by the Director General (Prisons), by which his application for second spell of furlough was declined on the ground that he did not have good conduct for the last three years, and did not earn reward in last three Annual Good



Conduct Remission.

5. Learned counsel for the parties state that the aforesaid view is predicated upon the fact that the petitioner was released on emergency parole on 17.05.2021, which was extended from time to time until 07.04.2023, but he failed to surrender on the said date, and was re-arrested only on 06.06.2024.

6. Ms. Mehak Nakra, learned counsel for the petitioner, draws my attention to an order dated 19.11.2025 in W.P.(CRL) 659/2025, by which a similar request of the petitioner for first spell of furlough was considered. The Court in that case disposed of the petition, with the following directions:

“4. The Court has considered the submissions. As per the Nominal Roll dated 26th March, 2025, he has undergone 13 years, 9 months and 22 days of actual custody and earned remission of 2 years, 9 months and 4 days, having completed more than 14 years in custody. The Petitioner has previously been released on furlough and parole on more than 10 occasions. The Nominal Roll further indicates that while his overall conduct was previously marked “unsatisfactory” owing to the delay in surrender, his conduct for the past year has been assessed as satisfactory. As per the Status Report, the Petitioner’s residential address also stands verified.

5. It is also noted that the punishment ticket pertains to failure to surrender after release on emergency parole during the peak of the COVID-19 pandemic, a period marked by exceptional circumstances. This Court, in similar cases, has taken a sympathetic view where delays occurred during the pandemic. In Mohd. Suleman v. State of NCT of Delhi, this Court held that a delay in surrender after release on emergency parole warrants a sympathetic view.

6. Considering the above, including the fact that the Petitioner has undergone more than 14 years of custody and that his conduct for the last one year has been satisfactory, the request is accepted. Accordingly, order no. F.10(003478180)/CJ/Legal/ PHQ/2025/ M-956 dated 31st January, 2025 passed by the Respondent is hereby quashed. The Respondent is directed to release the Petitioner on first spell of furlough for a period of 21 days, to reestablish the social-ties with family members, on furnishing of a personal bond in the sum of Rs.



15,000/- with one surety of the like amount subject to the satisfaction of the Jail Superintendent/Trial Court/Duty Metropolitan Magistrate, and further subject to the following conditions:

- (i) The Petitioner shall not leave the NCT of Delhi during the period of furlough, without the prior permission of this Court.
- (ii) The Petitioner shall provide the mobile number(s) to the concerned Jail Superintendent and SHO - P.S. Dwarka, at the time of his release, which mobile number shall be kept in a working condition at all times.
- (iii) The Petitioner shall appear before the SHO - P.S. Dwarka, Delhi, once every fortnight to mark his presence. However, he shall not be kept waiting for longer than one hour for this purpose.
- (iv) The Petitioner shall positively surrender before the concerned Jail Superintendent on the expiry of the period of furlough.”

7. The situation today is no different. Although the updated nominal roll is not on record, the aforesaid order records that even as of 26.04.2025, the petitioner had completed 13 years, 9 months and 22 days of actual custody and earned remission of 2 years, 9 months and 4 days. He had thus completed more than 14 years in custody. He had also been released on furlough and parole on more than 10 occasions. The failure to surrender after release on emergency parole during the COVID-19 pandemic has also been condoned by this Court, relying upon the Court's earlier decision in *Mohd. Suleman v. State of NCT of Delhi* [W.P.(C) 279/2023, decided on 25.05.2023].

8. Having regard to the above, and following the aforesaid order dated 19.11.2025, the petition is disposed of, and the impugned order dated 18.03.2026 is set aside. The respondent is directed to release the petitioner on the second spell of furlough for a period of 14 days upon furnishing a personal bond in the sum of Rs. 15,000/-, with one surety of the like amount, subject to the satisfaction of the Jail Superintendent/Duty



Magistrate, and subject to further conditions as stated in paragraph 6 of the aforesaid order dated 19.11.2025.

APRIL 10, 2026
'Bhupi'/AD/

PRATEEK JALAN, J