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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 3322/2025
RAKESH MEHRA@NANDUPetitioner
Through: Mr. Nitin Saluja, Advocate
(DHCLSC) with Mr. K.S. Jaggi,
Advocate.
versus
STATE OF NCT OF DELHI & ANR.Respondents
Through: Mr. Sanjay Lao, Standing Counsel for
the State.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

% **ORDER**
24.02.2026

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 impugns order dated 05.08.2025, whereby he was denied furlough; and seeks furlough for a period of 03 weeks.

2. Notice on this petition was issued on 10.10.2025.
3. Status report dated 27.11.2025 has been filed.
4. Nominal Roll dated 01.09.2025 has also been received from the Jail Superintendent.
5. Mr. Nitin Saluja, learned counsel appearing for the petitioner submits, that the petitioner's application seeking furlough has been rejected on the ground contained in Rule 1223(i) of the Delhi Prison Rules, 2018 ('DPR'), since, according to the jail authorities, the petitioner has not



maintained good conduct in prison; and has not earned 03 Annual Good Conduct Reports.

6. Counsel submits however, that as would be seen from his nominal roll, the petitioner's jail conduct has been recorded as 'unsatisfactory' since 'prohibited item' was recovered from him, viz., tobacco, for which the petitioner was awarded prison punishment of *mulakat* facility having been stopped for 01 month *vidé* order dated 12.03.2025, which order is still pending appraisal from the learned District & Sessions Judge. Counsel points-out, that the other jail infraction being held against the petitioner dates back to September 2021.
7. It is also pointed-out, that the petitioner has suffered judicial custody for more than 11½ years; and has earned remission of about 2½ years as of the date of the last nominal roll i.e. 01.09.2025.
8. It is further submitted that during the period of his incarceration, the petitioner has been admitted to interim bail, parole and emergency parole on numerous occasions.
9. Mr. Sanjay Lao, learned Standing Counsel appearing for the State submits, that the jail authorities have denied furlough in compliance with Rule 1223(i) of the DPR since, possession of prohibited items like tobacco is a serious jail infraction. That being said, learned Standing Counsel leaves it to the court to pass appropriate orders.
10. Upon an overall conspectus of the facts obtaining in the matter, this court is of the view that insofar as the jail infractions are concerned, the last such infraction dates back to 12.03.2025, for which the



petitioner was awarded requisite prison punishment, which he has served.

11. It cannot be overlooked that the petitioner has already suffered judicial custody for more than 11½ years and has earned remission for about 2½ years; and in this period he has been admitted to interim bail, parole and emergency parole on various occasions; and that he has no other criminal involvements. Besides, unless there are compelling contrary circumstances, furlough is almost a matter of right.
12. In the circumstances, the present petition is allowed, thereby setting-aside order dated 05.08.2025 passed by the prison authorities.
13. As a sequitur, the petitioner is granted *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. 15,000/- (Rs. Fifteen 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 this court and shall *ordinarily* reside at his address as per prison records;
 - 13.3. The petitioner shall present himself before the S.H.O., P.S.: Rajouri Garden every Monday 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.: Rajouri Garden 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 furlough, the petitioner shall surrender before the Jail Superintendent.
14. Petition stands disposed-of in the above terms.
15. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 24, 2026

V.Rawat