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

+ **W.P.(CRL) 4329/2025**

SAMMI

.....Petitioner

Through: Dr. M.P. Singh (DHCLSC), Advocate
with Ms. Poorna and Mr. Vikram Lal,
Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Yasir Rauf Ansari, ASC
(Criminal) for the State with Mr.
Alok Sharma, Advocate.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

16.03.2026

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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 a direction to the respondent to release him on his 1st spell of furlough for a period of 03 weeks.

2. The petitioner's prayer seeking furlough has been rejected by the concerned authorities *vidé* order dated 06.10.2025 on the following two grounds:

2.1. That the petitioner is not entitled to furlough by reason of Rule 1223(i) of the Delhi Prison Rules, 2018 ('DPR') since he does not have 03 Annual Good Conduct Reports; and

2.2. That the petitioner has violated Rule 1224(iii) of the DPR, since he did not surrender and had to be arrested on 16.03.2024 despite the direction issued to him to surrender back to custody



upon dismissal of his criminal appeal being CRL.A.607/2013 *vidé* judgment dated 25.11.2017.

3. Notice on this petition was issued *vidé* order dated 24.12.2025.
4. Status Report dated 15.01.2026 has been filed by the State.
5. Nominal Roll dated 14.01.2026 has been received from the Jail Superintendent.
6. The court has heard Dr. M.P. Singh, learned counsel for the petitioner as well as Mr. Yasir Rauf Ansari, learned ASC (Criminal) for the State.
7. Dr. Singh, learned counsel for the petitioner draws attention to the petitioner's nominal roll, to point-out that the petitioner has served more than 07 years and 08 months of judicial custody and has earned remission of more than 01 year and 11 months. Dr. Singh also points out, that the petitioner's jail conduct in the last 01 year has been 'satisfactory' and he is currently serving as a *Mulakat Jangla Sahayak*.
8. In fact, Dr. Singh argues that Rule 1224(iii) of the DPR would not apply to the petitioner since the said rule pertains only to prisoners who are re-arrested *while released on parole or furlough* but not to prisoners who were on regular bail. Learned counsel accordingly submits, that the petitioner is entitled to his 1st spell of furlough.
9. On the other hand, learned ASC points-out, that the petitioner was released from prison upon suspension of his sentence (pending decision of his appeal) *vidé* order dated 08.03.2017 passed in CRL.A. No.607/2013.



10. Learned ASC submits, that *vidé* order dated 25.11.2017, the petitioner's appeal was dismissed; and the petitioner was directed to surrender back to custody forthwith. However, the petitioner remained absconding till he was re-arrested on 16.03.2024.
11. It is accordingly argued, that the petitioner has served less than 03 years in judicial custody *after* his re-arrest, and therefore does not have the requisite 03 Annual Good Conduct Reports.
12. Upon a conspectus of the submissions made, as borne-out by the record, this court is *not* persuaded to waive the applicability of Rule 1223(i) of the DPR in the facts of the present case. Though Rule 1224(iii) of the DPR may not strictly apply, the fact remains that after dismissal of his criminal appeal, the petitioner *remained absconding for about 07 years* and had to be re-arrested. Although learned counsel for the petitioner seeks to explain this situation by submitting that there was some miscommunication between the petitioner and the counsel who was appearing for him in the criminal appeal, this court is not inclined to accept that explanation.
13. Accordingly, the petition is dismissed.
14. Pending applications, if any, also stand disposed-of.
15. Needless to add, that the dismissal of the present petition would not prevent the petitioner from seeking such other reliefs, as may be permissible to him, in accordance with law.

ANUP JAIRAM BHAMBHANI, J

MARCH 16, 2026/ak