

(2025) 04 DEL CK 0989

In the Delhi High Court

Case No : Writ Petition (Crl) No. 1020 Of 2025 & Criminal Miscellaneous
Application No. 9694 Of 2025

Sagir

APPELLANT

Vs

State (Govt. Nct Of Delhi) & Anr

RESPONDENT

Date of Decision : 09-04-2025

Acts Referred:

Indian Penal Code , 1860 — Section 302, 366, 376, 377, 511

Citation : (2025) 04 DEL CK 0989

Hon'ble Judges : Girish Kathpalia, J

Bench : Single Bench

Advocate : Gunjan Sinha Jain, Amol Sinha

Final Decision : Allowed

Judgement

Girish Kathpalia, J

1. Petitioner has assailed order dated 19.02.2025 of the competent authority from Delhi Prisons, whereby his application for furlough was rejected on the ground that on an earlier occasion, he did not surrender in time. I have heard learned counsel for petitioner and learned ASC, who took me through records.

2. The petitioner, having suffered incarceration for more than twenty years consequent upon conviction for offences under Section 366/376/302/377/511 IPC seeks to be released on first spell of furlough for a period of three weeks. The furlough application of the petitioner was rejected by jail authorities on the ground that his writ petition before the Supreme Court having been dismissed on 01.10.2024, he was directed to surrender immediately but he surrendered with delay of eight days. Therefore, according to the respondent, no furlough can be granted to the petitioner.

3. On the other hand, the petitioner has not denied having surrendered belatedly on the earlier occasion. The petitioner has explained that the writ petition was not dismissed but withdrawn without his instructions by his erstwhile counsel,

who did not inform him about the directions to surrender. It is further explained by the petitioner that he received a phone call from some jail official on 07.10.2024, so he surrendered on 09.10.2024 after coming to Delhi from his native village in Bihar.

4. Perusal of nominal roll reflects that the petitioner has already suffered incarceration for more than 20 years, during which period he was released on four occasions on parole, eight occasions on furlough and two occasions on emergency parole, but always surrendered in time. It is only on the last occasion that the petitioner got delayed in surrendering.

5. Keeping in mind the overall philosophy behind the reformatory tools including furlough, the explanation advanced by the petitioner has to be examined from a paradigm different from the normal one. Doing so, I find no reason to deny the benefit of furlough to the petitioner in view of his past solitary conduct as described above.

6. Therefore, the petition is allowed and the impugned order is set aside. It is directed that the petitioner be released on first spell of furlough for three weeks subject to his furnishing a personal bond in the sum of Rs. 10,000/-with one surety in the like amount to the satisfaction of the Jail Superintendent. It is directed that during the period of furlough, as requested by petitioner, he shall reside in his native village at the address mentioned in para 14 of the petition. It is also directed that at the time of releasing the petitioner on furlough, the concerned Jail Superintendent shall inform him in writing the specific date when he has to surrender. Copy of this order be sent to the Jail Superintendent for necessary compliance.

7. Pending application stands disposed of.