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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Judgment delivered on: 01.07.2025*+ **W.P.(CRL) 1481/2025**

VINOD

.....Petitioner

Through: Ms. Khushboo Gupta and Mr.
Biswajit Kumar Patra,
Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC
for the State.

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

1. By way of this writ petition, the petitioner seeks issuance of writ in the nature of mandamus directing the respondent to release the petitioner on furlough for a period of two (02) weeks, and issuance of writ of certiorari for quashing of rejection order no. F.10 (003744105)/CJ/LEGAL/PHQ/2025/518 dated 27.03.2025.

2. The petitioner herein is presently lodged in Central Jail No. 3, Tihar, New Delhi, and is serving life sentence awarded to him in case arising out of FIR No. 168/2011, registered at Police Station Dwarka, Sector-23, Delhi, for commission of offences punishable under



Sections 302/34 of Indian Penal Code, 1860 [hereafter ‘IPC’] and Section 27 of the Arms Act, 1959. The petitioner faced trial in the said FIR, and he was convicted *vide* judgment dated 22.03.2018 by the learned Trial Court, and *vide* order on sentence of even date, he was sentenced to undergo life imprisonment. Being aggrieved by the said judgment and order, the petitioner filed CRL.A. 697/2018 before this Court but the same came to be dismissed *vide* judgment dated 28.08.2018. The SLP filed before the Hon’ble Supreme Court, against the judgment of this Court, also stood dismissed *vide* order dated 29.10.2021.

3. It is submitted on behalf of the petitioner that he has been in judicial custody for about 09 years and 05 months. It is contended by the learned counsel for the petitioner that the petitioner was released on emergency parole on two occasions in the year 2020 and 2021, i.e. from 18.05.2020 to 09.02.2021, and from 15.05.2021 to 07.04.2023, but on both these occasions, there was a delay in surrendering i.e. delay of about 07 days and 26 days in surrendering, respectively. It is stated that the said delay was unintentional. It is pointed out that thereafter, the petitioner had been granted furlough on two occasions by this Court in the year 2024 and 2025, and he had surrendered on time. It is further stated that the petitioner has faced a long incarceration and needs to combat inner stress and depression arising out of prolonged incarceration, and therefore, he be released on furlough.

4. On the other hand, the learned ASC appearing on behalf of the



State argues the petitioner has drawn the attention of this Court to the fact that petitioner had surrendered 07 days and 26 days late while he was released on emergency parole during the Covid-19 pandemic, due to which he was issued a punishment ticket also. He however fairly submits that petitioner had been granted furlough by this Court in 2024 and 2025.

5. This Court has **heard** arguments addressed on behalf of either side and has perused the material available on record.

6. In the present case, petitioner seeks *inter alia* the setting aside of order dated 27.03.2025 passed by the concerned Competent Authority *vide* which his application for grant of furlough has been rejected. The said order reads as under:

“That convict Vinod s/o Sukhdev is serving life sentence in case FIR No. 168/2011, u/s 302/34 IPC & 27 Arms Act, PS-Dwarka Sec 23, New Delhi. He has undergone 09 years and 02 months in jail. He was release on Emergency Parole w.e.f. 15.05.2021 to 07.04.2023 but he did not surrender on time and surrender late by 26 days on 03.05.2023. He had violated the terms and conditions of emergency parole.

In order to grant furlough, Rule 1223(1) of Delhi Prison Rules, 2018 states that - “*Good conduct in the prison and should have earned rewards In last 3 Annual Good Conduct Report and continues to maintain good conduct.*” However, prisoner is not fulfilling criteria referred in Para 1223(1) of Delhi Prison Rules 2018-In view of above misconduct, hence, his request for furlough stands rejected

The convict may be informed under proper acknowledgment.”

7. As evident from the above, the petitioner’s request for furlough has been declined primarily on the ground that he had failed to



surrender on time after being released on emergency parole, thereby violating its conditions and earning a punishment ticket in the year 2023. Accordingly, the authorities have held that his conduct for that year was not "good" within the meaning of Rule 1223(1) of the Delhi Prison Rules, 2018.

8. The nominal roll of the petitioner has been received. Upon perusal of the same, it is noted that the petitioner was first granted parole in 2019 by this Court and he had surrendered on time. During the COVID-19 pandemic, he was released on emergency parole twice – first from May 2020 to February 2021, and then again in May 2021. On the first occasion, he had surrendered late by seven days, and on the second, by twenty-six days, returning to prison on 03.05.2023 against the surrender date of 07.04.2023 as fixed by the Hon'ble Supreme Court.

9. Undeniably, there was a delay on the part of the petitioner in surrendering on both the occasions. However, courts and prison authorities must also remain mindful of the exceptional and unprecedented circumstances that prevailed during the pandemic. Those were not ordinary times. The entire nation was grappling with crisis, uncertainty, and widespread distress. Amid such hardships, a delay in surrender, particularly by an underprivileged convict from a remote village, ought to be dealt with compassion and sympathy. To repeatedly reject applications for furlough solely on the ground of a delay in surrendering by a few days during an extraordinary public health emergency, would be unduly harsh.



10. It is also relevant to note that after the said incidents, the petitioner was granted furlough by this Court on two subsequent occasions, i.e., first in May 2024 for a period of three weeks, and again on 10.01.2025 for a period of two weeks. On both occasions, the petitioner had surrendered on time and adhered to the conditions imposed by this Court. Notably, his furlough applications were rejected by the concerned authorities even on those occasions for the same reason as in the present case, yet this Court had found it fit to grant him relief.

11. As per the nominal roll, the petitioner has now completed about 9 years and 5 months in judicial custody, excluding the period of remission. His overall conduct inside the jail has been satisfactory, and he is engaged in prison work as a *langar sahayak*.

12. It is also brought to the attention of this Court that the petitioner belongs to an economically and socially underprivileged background. His family consists of his wife and three minor children, all residing in their native village, i.e. Village and P.O. Kakan, District Jamui, P.S. Jamui, Bihar. The address of the petitioner has already been verified by the State on earlier occasions.

13. Rule 1197 of the Delhi Prison Rules, 2018, itself highlights that parole and furlough are progressive steps in the process of reformation and rehabilitation. They serve not only to ease the rigours of long incarceration but also to help prisoners preserve vital social and familial ties.



14. Thus, considering the overall facts and circumstances of the case, this Court is inclined to grant furlough to the present petitioner for a period of two (02) weeks, on the following conditions:

- i. The petitioner shall furnish a personal bond in the sum of Rs.10,000/- with cash surety of the like amount, to the satisfaction of the Jail Superintendent (*as also allowed earlier by this Court in the case of present petitioner*).
- ii. The petitioner shall report to the SHO of the local area i.e. P.S. Jamui, Bihar once a week on every Sunday between 10:00 AM to 11:00 AM during the period of furlough.
- iii. The petitioner shall furnish a telephone/mobile number to the Jail Superintendent as well as SHO of local police station, on which he can be contacted if required. The said telephone/mobile number shall be kept active and operational at all the times by the petitioner.
- iv. Immediately upon the expiry of period of furlough, the petitioner shall surrender before the Jail Superintendent.
- v. The period of furlough shall be counted from the day when the petitioner is released from jail.

15. In view of the above, the present petition stands disposed of.

16. A copy of this judgment be forwarded to the concerned Jail Superintendent for information and compliance.



17. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

JULY 01, 2025/A