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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 25.07.2025

+ W.P.(CRL) 3499/2024
MOHD ALAM

.....Petitioner

Through: Mr. Satyam Thareja, Advocate.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Counsel for State (*appearance not given*) with Inspector Mantosh Kumar, PS Shalimar Bagh

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. Petitioner assails order dated 01.10.2024 of the Competent Authority, whereby his application for being released on furlough was dismissed. Petitioner also seeks a *mandamus* directing the respondent to release him on furlough for a period of three weeks.

2. Briefly stated, the furlough application of petitioner was rejected by the Competent Authority on the ground that he jumped the parole and was punished on 26.04.2024 with a warning, which has effect for a period of one year on eligibility to claim furlough. The punishment ticket dated 22.07.2024 has also been placed on record reflecting that the petitioner was scheduled to surrender from parole on 07.04.2023 but he did not surrender, so he was arrested on 25.04.2024. The said parole was in the form of emergency parole during the Covid period which was extended from time to time under the orders of the Hon'ble Supreme Court.

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3. Learned counsel appearing for State, in all fairness does not oppose this petition.

4. There is nothing on record to show that at the time of being released, the petitioner was informed a specific date on which he had to surrender. However, according to the status report dated 04.03.2025, the petitioner was intimated about his date of surrender on mobile phone. But there is no material to corroborate this statement in the status report. Besides, as explained on behalf of petitioner, there was apparently genuine confusion in the minds of many such convicts *qua* the date of surrender.

5. **Earlier also, in few cases it has been observed that on account of illiteracy and ignorance, many a time the convict released on parole or furlough fails to surrender back in time and the delayed surrender leads to punishment, with its consequential effects. In all those cases, directions are being issued by this Court to the Jail Authorities to inform to the convicts at the time of their release on parole or furlough, a specific date in writing by which they have to surrender. In this regard, instead of a bald statement on behalf of the Jail Authorities that they had informed the convict about the date of surrender, it would be appropriate that a written note of date of surrender is handed over to the convict at the time of releasing him on parole or furlough after taking his acknowledgement on a copy of the said written note, so that there is no ambiguity.**



6. In any case, as mentioned above, in the present case, the effect of punishment has already expired, so State has fairly no objection to this petition.

7. In view of above circumstances the petition is allowed and the impugned order is quashed, directing the immediate release of petitioner on first spell of furlough for a period of three weeks in case FIR No. 105/2010 of PS Shalimar Bagh for offence under Section 302/392/34 IPC, subject to the petitioner furnishing personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the concerned Jail Superintendent.

8. Copy of this order be sent to the concerned Jail Superintendent with the directions to give a specific date to the petitioner in writing by which he has to surrender at the time of his release on furlough.

9. **Copy of this order be also sent to the Director General (Prisons) for compliance with regard to the contents of paragraph 5 of this order.**

GIRISH
KATHPALIA

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**GIRISH KATHPALIA
(JUDGE)**

JULY 25, 2025/ry

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