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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 03.09.2025

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W.P.(CRL) 2799/2025 & CRL.M.A. 26343/2025

CHETAN

.....Petitioner

Through: Mr. Priyal Bhardwaj, Advocate

versus

STATE GNCT OF DELHI

.....Respondent

Through: Mr. Yasir Rauf Ansari, ASC for State
with SI Gaurav, PS Kalyanpuri**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. Petitioner has assailed Order No. F.10(003479150)/CJ/Legal/PHQ/2025/4412 dated 05.08.2025, whereby furlough request of the petitioner was rejected by the competent authority on the ground that the petitioner, on an earlier occasion, jumped furlough and surrendered three days after the due date, so he was warned and consequently, the fresh furlough request can be filed only after one year. But the date of the alleged punishment of warning has not been disclosed in the impugned order.

2. Learned counsel for petitioner submits that on the earlier occasion, petitioner got late by three days in surrendering because he had suffered an eye injury and even the stitches were removed in the jail itself, so the jail authorities are well aware about reason behind delay in surrender.



3. Learned ASC accepts notice and in all fairness admits that the impugned order does not contain complete facts, so cannot be sustained. That being so, learned ASC requests that the impugned order may be set aside and the matter may be remanded to the competent authority to decide afresh.

4. Learned counsel for petitioner is not averse to this request if the re-decision is directed to be time bound. As regards the delay in surrender, learned counsel for petitioner has also brought to my notice a judgment of this Court in the case titled *Mohd. Alam vs State of NCT of Delhi*, 2025:DHC:6065.

5. Apart from the aforesaid, the authorities must keep in mind the basic purpose of the concepts of parole and furlough. The requests for parole and furlough have to be examined in a paradigm different from other issues. The basic purpose of these provisions is to prevent prisonization and thereby the same are steps towards reformation of the convict. Merely because the convict released on parole and/or furlough fails to surrender in time, unless there are other inculpatory circumstances, delay of a day or two in surrender must be examined with a slight tilt in favour of the convict in order to ensure proper utilization of these tools of reformation.

6. Further, it appears that earlier, the respondent had issued a notification holding that punishment of warning shall not stand in the way of granting furlough, but that notification was withdrawn. Suffice it to record that *prima facie*, the said withdrawal was a regressive step, not consonant with the



concept of reformation of the convict.

6.1 Learned ASC submits that such decisions are necessary in order to inculcate discipline in jail amongst convicts. There is no dispute that discipline must be adhered to in jails also. The issue is as to whether in the name of intra-jail discipline, the authorities can adversely impact the utility of the provisions created for reformation of the convict.

6.2 However, since the said withdrawal of the notification has not been challenged, I would refrain from discussing further except that the authorities are expected to re-examine the same.

7. In view of above discussion, the impugned order is set aside and matter is remanded to the competent authority to decide the furlough application of petitioner afresh in the light of above discussion within three weeks and convey the decision to the petitioner within next one week. Pending application also stands disposed of.

8. Copy of this order be sent to the concerned Jail Superintendent forthwith for compliance.

**GIRISH KATHPALIA
(JUDGE)**

SEPTEMBER 03, 2025/as