



2025:DHC:5507



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

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Date of Decision: 11.07.2025+ **W.P.(CRL) 4004/2024**

IRSHAD @ BABLOO

.....Petitioner

Through: Mr. Gaurav Sharma, Advocate
(through VC)

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Yasir Rauf Ansari, ASC for the
State with Insp. Arun Dagar, PS
Bhalswa Dairy**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (O R A L)**

1. Petitioner seeks release on first spell of furlough on furnishing cash surety instead of individual surety. In response to the petition, multiple status reports were filed on behalf of State, opposing the petition. I have heard learned counsel for both sides.

2. Briefly stated, *vide* order dated 01.10.2024 of the competent authority, the petitioner was granted relief of first spell of furlough in case FIR No. 694/2016 of PS Bhalaswa Dairy for offence under Section 302/147/148/149/34 IPC. By way of the said order, petitioner was directed to be released on furlough subject to certain conditions, one of which was to furnish surety of Rs.10,000/- with a personal bond in the like amount. Since petitioner was unable to arrange a surety, he moved an application before the competent authority for accepting cash surety instead of individual surety



but that request was declined *vide* order dated 28.11.2024 for the reason that he is serving life sentence and has large sentence to undergo.

3. In one of the status reports, the respondent had enlisted a number of relatives of the petitioner and learned ASC contends that any of them can be produced as surety by the petitioner. In response, learned counsel for petitioner contends that none of those relatives is ready to stand as surety, otherwise there was no reason for the petitioner to continue in jail without availing the benefit of furlough.

4. As per nominal rolls, the petitioner has already undergone incarceration for eight years six months as on date.

5. I find substance in the submission that if any relative of petitioner was agreeable to stand as surety, he would not have continued to not avail benefit of furlough order already granted in his favour.

6. Keeping in mind the basic purpose behind this reformatory tool, the present petition is allowed and order dated 28.11.2024 of the competent authority is set aside. The petitioner is directed to be released on furlough in accordance with order dated 01.10.2024 of the competent authority with the limited modification of the said order that instead of individual surety, the petitioner shall deposit cash surety of Rs. 10,000/- with the concerned Jail Superintendent.

7. It is also directed that while releasing the petitioner on furlough, the concerned Jail Superintendent shall convey to him in writing the date on which he has to surrender in jail.



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8. For compliance, copy of this order be sent to the concerned Jail Superintendent.

**GIRISH KATHPALIA
(JUDGE)**

JULY 11, 2025
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