



2025:DHC:6843



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

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Date of Decision: 13.08.2025+ **W.P.(CRL) 3779/2024****SARTAJ**

.....Petitioner

Through: Mr. Siddharth Yadav and Mr. Anmol,
Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Arijit Sharma and Ms. Sakshi
Jha, Advocates with SI Deepak
Kumar, PS Jahangir Puri**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. Petitioner assails order dated 09.07.2024 of the Competent Authority whereby his request for being released on furlough was declined. Petitioner also seeks to be released on second spell of furlough for a period of two weeks in case FIR No. 407/2016 of PS Jahangir Puri for offence under Section 302/34 IPC.

2. I have heard learned counsel for petitioner and learned counsel for State.

3. According to the impugned order, furlough request of petitioner was rejected on the ground that earlier when released on furlough, he got



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involved in another offence and was arrested in case FIR No.226/2024 of PS Jahangir Puri for offence under Section 307/120B/34 IPC and Section 25/27 of Arms Act. No other reason for rejection of furlough request was recorded in the impugned order.

4. Learned counsel for petitioner contends that the petitioner was falsely involved in the subsequent case FIR No. 226/2024 and in any case, he has been granted bail by the Court of Sessions in the said case.

5. On the other hand, learned counsel for State opposes the petition on the ground that subsequent to the impugned order, the petitioner misbehaved with the jail staff on 18.11.2024, for which he was warned, so now only after 17.11.2025, he can apply afresh for furlough.

6. So far as the punishment dated 18.11.2024 is concerned, the same was only in the form of warning. Prior to that, according to the nominal rolls there was never any misconduct on the part of petitioner after 30.04.2018 in jail. Moreover, the punishment dated 18.11.2024 was not before the Competent Authority at the time of passing the impugned order dated 09.07.2024, so the same cannot be a hurdle at this stage for the petitioner.

7. As regards the involvement of the petitioner in case FIR No.226/2024 during the period of earlier furlough, I have examined order dated 07.11.2024 of the Court of Sessions whereby bail was granted to the petitioner, observing that in the originally registered FIR, the present petitioner was not named as one of the assailants and it is only subsequently



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during investigation that some eyewitness named the petitioner as one of the assailants.

8. Having gone through the bail order, I find no reason to sustain the impugned order, whereby the furlough was declined for the reasons mentioned above.

9. In view of above discussion, the petition is allowed and the impugned order is set aside; and the petitioner is directed to be released on second spell of furlough for a period of two weeks in case FIR No. 407/2016 of PS Jahangir Puri for offence under Section 302/34 IPC, 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 concerned Jail Superintendent.

10. Copy of this order be sent to the concerned Jail Superintendent who is directed to furnish to the petitioner in writing against an acknowledgement the specific date on which he shall have to surrender back after completion of furlough period.

**GIRISH KATHPALIA
(JUDGE)**

AUGUST 13, 2025/ry