



2026:DHC:676



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 28.01.2026*

+ **W.P.(CRL) 283/2026 & CRL.M.A. 2772/2026**

MAHIPAL@LALAPetitioner

Through: Mr. Rakesh Tanwar and Ms. Sanjana Gupta, Advocates (DHCLSC)

versus

STATE OF NCT OF DELHIRespondent

Through: Mr. Arijit Sharma, Advocate for the State with Insp. Rajesh Malik and SI Sangeeta, PS S.B. Dairy

CORAM: JUSTICE GIRISH KATHPALIA

JUDGMENT (ORAL)

1. Petitioner has assailed rejection of his request for grant of first spell of furlough in case FIR No. 881/2014 of PS Shahbad Dairy for offence under Section 6 POCSO Act and Section 506 IPC. Learned counsel for respondent accepts notice.

2. Broadly speaking, the furlough request was declined by way of order dated 10.12.2025 on the ground that the petitioner had unsatisfactory jail conduct. The reason behind recording the conduct of the petitioner



unsatisfactory was two fold. Firstly, the petitioner surrendered after completion of earlier furlough with a delay of one day. Secondly, the petitioner was found under intoxication on 19.02.2025 and his urine test reflected positive for BZO and THC.

3. So far as delay of one day in surrendering after the earlier furlough period, the same was on account of calculation error as per learned counsel for petitioner. So far as the allegation of intoxication, the substances BZO and THC form part of the chest decongestant syrups and even otherwise, admittedly no inquiry was conducted to find out how an intoxicant entered the jail.

4. Moreover, for the alleged two misconducts, the petitioner has already been punished. So, denying him furlough would be double jeopardy.

5. After part submissions, both sides agree that the impact of the said punishments would expire on 19.02.2026, after which the petitioner would be entitled to make fresh application for furlough. That being so, as suggested by both sides, the present petition is disposed of, directing the respondent to treat the present petition as fresh application for furlough and dispose of the same within four weeks from today. At request of learned counsel for petitioner, it is made clear that if the present petition as fresh furlough request is not decided by the concerned authority within four weeks from today, the petitioner shall be at liberty to file fresh petition in this Court, without first approaching the concerned authority again.



2026:DHC:676



6. Copy of this order be sent to the concerned Jail Superintendent for compliance. Pending application also stands disposed of.

**GIRISH KATHPALIA
(JUDGE)**

JANUARY 28, 2026/rs