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

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Date of Decision: 31.07.2025

+ **W.P.(CRL) 1267/2025**

RAHUL DEV

.....Petitioner

Through: Ms. Priya Bhardwaj, Advocate
(*through videoconferencing*).

versus

STATE GNCT OF DELHI

.....Respondent

Through: Mr. Yasir Rauf Ansari, ASC for State
with Inspector Ashwani, PS Maurya
Enclave.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The petitioner has assailed order dated 08.04.2025 of the competent authority whereby his application for release on first spell of furlough for a period of three weeks was rejected. The petitioner has also sought release on furlough.

2. I have heard learned counsel for the petitioner and learned ASC.

3. As per the impugned order, furlough application of the petitioner was rejected on two grounds, namely, earlier in the year 2019 when released on furlough, he did not surrender on due date, so had to be arrested on 03.09.2021; and thereafter on 30.08.2024, he was punished for misbehaviour with the jail staff.



4. So far as the punishment dated 30.08.2024 is concerned, the same was not approved by the Principal District & Sessions Judge, so the same cannot be a hurdle for the petitioner. So far as the earlier punishment of the year 2021 is concerned, as fairly submitted by learned ASC, adverse effect of the same survived only for three years. Further, admittedly even subsequent to the punishment imposed in 2021, the petitioner was released three times on parole.

5. In other words, there was no justification for rejecting the furlough application of the petitioner, so the impugned order is not sustainable in the eyes of law.

6. Therefore, the petition is allowed and the impugned order is set aside, directing immediate release of the petitioner on first spell of furlough for a period of three weeks 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.

7. Copy of this order be sent to the concerned Jail Superintendent with the direction to inform the petitioner in writing the exact date on which he has to surrender after expiry of furlough period.

**GIRISH KATHPALIA
(JUDGE)**

JULY 31, 2025/dr