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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 21.01.2025*+ **W.P.(CRL) 207/2025**

MD SALAUDDIN

.....Petitioner

Through: Mr. Sunil Choudhary,  
Advocate (appeared through  
VC)

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Amol Sinha, ASC for the  
State with SI Sunita**CORAM:****HON'BLE MS. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****SWARANA KANTA SHARMA, J (ORAL)**

1. The present petition under Article 226 of the Constitution of India, 1950 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the petitioner seeking setting aside of the Order No. F.10(003474593)/CJ/LEGAL/PHQ/2024/M-1553 dated 24.12.2024 passed by the competent authority and seeks issuance of writ in the nature of mandamus directing the respondent to release the petitioner on first spell of furlough for a period of three weeks.

2. Issue notice.

3. Mr. Amol Sinha, the learned ASC accepts notice on behalf of the State.



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4. The learned counsel for the petitioner states that the petitioner herein was convicted in case bearing FIR No. 66/2009, for offences punishable under Sections 376/506 of the Indian Penal Code, 1860 registered at Police Station Shahdara, Delhi.

5. The criminal appeal preferred by the petitioner was dismissed by this Court *vide* judgment dated 30.09.2013. The Special Leave Petition has not been filed by the petitioner. The petitioner herein is serving sentence for the last 16 years.

6. It is submitted by the learned counsel appearing for the petitioner that the petitioner is a law-abiding citizen and has been in judicial custody for last 16 years. It has been pointed out that the petitioner has been granted furlough on 18 occasions in the past. Conversely, the learned ASC appearing on behalf of the State argues the petitioner has not abided by the law and has drawn the attention of this Court to the period of 02 weeks furlough granted to the petitioner from 09.10.2023 to 23.10.2023 wherein, the petitioner had surrendered 10 days late. Therefore, he prays that the present petition be dismissed.

7. This Court has heard arguments and perused material available on record.

8. The petitioner had applied for furlough, but the same was rejected *vide* Order No. F.10(003474593)/CJ/LEGAL/PHQ/2024/M-1553. The relevant portion of the said order reads as under:

IV. That he was released on 02 weeks furlough w.e.f. 09.10.2023 to 23.10.2023 and but he was granted stay from surrendering by the Hon'ble Apex Court. Further, the Hon'ble Apex court has dismissed the petition of the convict on 01.10.2024 and directed to surrender but he



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surrendered late by 10 days on 11. 10.2024. A punishment/warning was recorded against him for late surrender.

- V. As per Standing Order 01/ 2019, if the convict happens to commit jail offence (jumped Parole/ Furlough) and a punishment of Warning has been recorded against him, he shall be eligible for furlough after a gap of one year from the date of punishment.
- VI. As his overall conduct found to be unsatisfactory and furlough is purely an incentive for maintaining good conduct, therefore, his request for furlough cannot be acceded to.

9. This Court notes that as per the nominal roll, the conduct of the present petitioner has been satisfactory, except for 10 days late surrender after the directions issued by the Hon'ble Supreme Court. Concededly, the petitioner has been granted furlough on about 18 occasions in the past. Except for one occasion, the petitioner herein, has not misused the liberty of furlough granted to him and has always surrendered on time.

10. This Court's attention has also been drawn to Rules no. 1197 and 1200 of the Delhi Prison Rules, 2018. The said rules read as under:

“1197. Parole and Furlough to inmates are progressive measures of correctional services. The release of prisoner on parole not only saves him from the evils of incarceration but also enables him to maintain social relations with his family and community. It also helps him to maintain and develop a sense of self-confidence. Continued contacts with family and the community sustain in him a hope for life. The release of prisoner on furlough motivates him to maintain good conduct and remain disciplined in the prison.

1200. The objectives of releasing a prisoner on parole and furlough are:

- i. To enable the inmate to maintain continuity with his



- family life and deal with familial and social matters,
- ii. To enable him to maintain and develop his self-confidence,
  - iii. To enable him to develop constructive hope and active interest in life,
  - iv. To help him remain in touch with the developments in the outside world,
  - v. To help him remain physiologically and psychologically healthy,
  - vi. To enable him to overcome/recover from the stress and evil effects of incarceration, and
  - vii. To motivate him to maintain good conduct and discipline in the prison...”

11. It is evident that Rule 1197 and 1200 provide that the provision of furlough and parole are progressive measures of correctional services, and lay down the objectives of furlough and parole. This Court has also gone through Rule 1223 of Delhi Prison Rules, 2018 which provides criteria for grant of furlough. The said rule reads as under:

“1223. In order to be eligible to obtain furlough, the prisoner must fulfil the following criteria: -

- i. Good conduct in the prison and should have earned rewards in last 3 Annual good conduct report and continues to maintain good conduct.
- ii. The prisoner should not be a habitual offender.
- iii. The prisoner should be a citizen of India.”

12. This Court notes that the petitioner has been in custody for more than 15 years. Thus, considering the overall facts and circumstances of the case this Court is inclined to grant furlough to the present petitioner for a period of three (03) weeks, on the



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following conditions:

- i. The petitioner shall furnish a personal bond in the sum of Rs.10,000/- with one surety of the like amount, to the satisfaction of the Jail Superintendent.
  - ii. The petitioner shall report to the SHO of the local area once a week on every Sunday between 10:00 AM to 11:00 AM during the period of furlough.
  - iii. The petitioner shall furnish a telephone/mobile number to the Jail Superintendent as well as SHO of local police station, on which he can be contacted if required. The said telephone number shall be kept active and operational at all the times by the petitioner.
  - iv. Immediately upon the expiry of period of furlough, the petitioner shall surrender before the Jail Superintendent.
  - v. The period of furlough shall be counted from the day when the petitioner is released from jail.
13. In view of the above, the present petition stands disposed of.
14. A copy of this judgment be forwarded to the concerned Jail Superintendent for information and compliance.
15. The judgment be uploaded on the website forthwith.

**SWARANA KANTA SHARMA, J**

**JANUARY 21, 2025/ns**