



2025:DHC:5887



\$~50

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Judgment delivered on: 21.07.2025*+ **W.P.(CRL) 1955/2025**

IMRAN ALIAS MURGI CHOR .....Petitioner

Through: Mr.Kirti Aggarwal, Advocate.

versus

STATE NCT OF DELHI .....Respondent

Through: Mr. Yasir Rauf Ansari - ASC  
(Criminal), Mr. Alok Sharma,  
Advocates**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J (ORAL)**

1. By way of the present writ petition, the petitioner seeks issuance of a writ in the nature of mandamus directing the respondent to release the petitioner on furlough for a period of three weeks.

2. As set out in the petition, and evident from the Nominal Roll on record, the petitioner is presently confined in Central Jail No. 03, Tihar, New Delhi, as he was convicted for commission of offence under Sections 120B/302/392/411 of the Indian Penal Code, 1860 [hereafter 'IPC'] and was awarded sentence of rigorous imprisonment for life. The appeal preferred by him against his conviction, i.e. CRL.A. 978/2019, was dismissed by this Court vide judgment dated



2025:DHC:5887



19.02.2025.

3. The learned counsel appearing on behalf of the petitioner submits that the petitioner had approached the Competent Authority for grant of furlough for a period of three weeks vide application dated 24.03.2025; however, the same was not decided for a considerable period of time, due to which the petitioner was constrained to file W.P.(CRL) 1463/2025 before this Court, which came to be disposed of vide order dated 05.05.2025 with a direction that the aforesaid application filed by the petitioner be decided within 10 days. It is stated that the petitioner had again preferred another petition i.e. W.P.(CRL) 1822/2025 before this Court since his application had not been decided, which came up for hearing on 29.05.2025; however, he was informed eventually that his application for furlough had been dismissed on 26.05.2025. Thus, the said writ petition was withdrawn with liberty to file afresh.

4. It is argued that the competent authority has mechanically rejected the furlough application of the petitioner. It is further argued that the petitioner has been in judicial custody for more than 14 years, and since 05.07.2022, the petitioner has maintained good conduct in jail and no punishment has been recorded against him. It is also stated that he was granted interim bail by this Court from 29.12.2024 to 07.01.2025, and he did not misuse the liberty granted to him. It is contended that the petitioner's appeal against his conviction was rejected by this Court in February, 2025, and he wishes to file a Special Leave Petition (SLP) before the Hon'ble Supreme Court



against the said decision, for which he needs to arrange a competent lawyer and also arrange some funds for the said purpose. Thus, it is prayed that the petitioner be granted furlough for a period of three weeks.

5. The learned ASC appearing on behalf of the State, on the other hand, argues that the petitioner herein is a habitual offender. It is also contended that the overall jail conduct of the petitioner is unsatisfactory and he was given about seven punishments in the past. It is therefore submitted that if released on furlough, there is every likelihood that the petitioner may re-engage in criminal activities or abscond and fail to surrender.

6. This Court has **heard** arguments addressed by the learned counsel appearing for either side, and has perused the material placed on record.

7. The petitioner's application seeking furlough was rejected by the Competent Authority vide order dated 26.05.2025, primarily on the ground that his jail conduct was not satisfactory and he has not earned reward in last 03 Annual Good Conduct Remission.

8. It is clear from the Nominal Roll that the overall jail conduct of the petitioner has not been satisfactory due to seven jail punishments awarded to him between the years 2019 and 2022. However, it is also apparent from the records that the last punishment awarded to him in the jail was on 05.07.2022, i.e. more than 3 years ago. Since then, his jail conduct has been satisfactory. Therefore, it is clear that since the year 2022, till date, neither any punishment has been awarded to the



petitioner within the jail nor any other criminal case has been registered against him.

9. The petitioner was also granted interim bail (interim suspension of sentence) by the Division Bench from 29.12.2024 to 07.01.2025 on account of the demise of his maternal grandfather, and the petitioner had surrendered on the expiry of the said period.

10. As far as the ground of the petitioner that he wishes to file SLP is concerned, this Court in case of *Parsu Ram v. State (GNCTD of Delhi): 2023:DHC:000108* had observed as under:

“9. ....It cannot be overlooked that an accused has right to effectively pu

rsue his legal remedy by filing SLP through the counsel of his choice which is a valuable right. Such a right of a citizen cannot be withheld or the remedy denied to him on the ground that free legal aid is available in the jail and SLP can be filed from the jail itself. The accused while being lodged in jail may not be able to exercise his right to engage advocate of his own choice effectively. Needless to say, filing SLP in the highest court of the country which is the last hope for availing justice cannot be denied to an accused on the ground of his unsatisfactory conduct. In the present case, it has been pointed out that in the last 1 ½ years, no punishment has been handed out to him and in the last 2 years, only one punishment that has been handed out to him is on account of smoking a bidi. Considering the overall facts and circumstances of the case, this Court is not inclined to withdraw the right of the petitioner to file SLP and for that purpose being enlarged on parole.

10. While passing this order, this Court also remains conscious of the fact that the present accused/applicant has remained in judicial custody since the day of arrest i.e. 29.02.2012 and is continuously in the jail for around ten years, excluding remission.”

11. Similar observations were made in *Vinod Kumar v. State*



*(GNCT of Delhi): 2023:DHC:9345*, which are as under:

“13. Courts have consistently emphasized that the right of a convict to file a Special Leave Petition challenging the dismissal of their criminal appeal by a High Court is crucial right. This right cannot be denied based on the availability of free legal aid in jail and the possibility of filing the SLP from the jail premises. Given that the petitioner's sole recourse for assailing his conviction now rests with the Hon'ble Apex Court, it is important to afford him the opportunity to pursue his legal remedy by filing the SLP through his chosen counsel.”

12. Thus, considering the overall facts and circumstances of the case, the period of incarceration of the petitioner, and his jail conduct of last three years, and the fact that he wishes to engage a lawyer for filing of SLP before the Hon'ble Supreme Court for challenging his conviction, which is his last hope, this Court is inclined to direct the release of petitioner on furlough for a period of three weeks (which shall be counted from the date of his release), on the following conditions:

- I. The petitioner shall furnish a personal bond in the sum of Rs.10,000/- with one surety of the like amount, who shall be his family member, to the satisfaction of the Jail Superintendent.
- II. The petitioner shall report to the SHO of the local area on every fourth day 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



2025:DHC:5887



telephone//mobile number shall be kept active and operational at all the times by the petitioner.

- IV. The petitioner shall reside at the address mentioned in the present petition, and shall not leave the geographical boundaries of Delhi NCR during the period of furlough. The said address has been verified by the State and a status/verification report in this regard has been placed on record.
- V. Immediately upon the expiry of the period of furlough, the petitioner shall surrender before the Jail Superintendent.
13. In above terms, the present writ petition is disposed of.
14. A copy of this judgment be sent by the Registry to the Jail Superintendent concerned.
15. The judgment be uploaded on the website forthwith.

**DR. SWARANA KANTA SHARMA, J**

**JULY 21, 2025/A**