



2026:DHC:1869



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

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Judgment reserved on: 19.02.2026
Judgment pronounced on: 27.02.2026
Judgment uploaded on: 28.02.2026

+ **W.P. (CRL) 2980/2025**

AMAR PAL

.....Petitioner

Through: Mr. Shiv Chopra, (DHCLSC),
Mr. Shravan Pandey, Ms.
Surbhi Arora and Ms. Shivani
Kaushik, Advocates

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Amol Sinha, ASC for the
State with Mr. Ashvini Kumar,
Mr Kshitiz Garg and Mr
Anshul Sharma, Advocates

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. By way of this writ petition, the petitioner seeks issuance of writ in the nature of certiorari or any other appropriate writ, direction, order for quashing the rejection order no. F.10(3800430)/CJ/LEGAL/PHQ/2025/4376, dated 05.08.2025, passed by the Director General (Prisons) and further seeks grant of furlough for a period of three weeks.



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2. The facts, as apparent from the records, are that the petitioner herein is presently confined in Central Jail No. 2, Tihar, New Delhi, in connection with a case arising out of FIR No. 560/2008, registered at Police Station Sangam Vihar, Delhi for offences punishable under Sections 376/506 of the Indian Penal Code, 1860 [hereafter 'IPC']. He was acquitted by the learned Trial Court, and upon appeal being filed, the petitioner herein was convicted by this Court *vide* judgment dated 09.12.2019 passed in CRL.A. 1309/2013 and sentenced to undergo rigorous imprisonment for a period of 10 years and to pay a fine of Rs. 25,000/-, and in default of payment of fine, to further undergo simple imprisonment for 12 months. The conviction and sentence of the petitioner was thereafter upheld by the Hon'ble Supreme Court.

3. The nominal roll of the petitioner has been received. Upon perusal of the same, it is noted that the petitioner has remained in judicial custody for about 7 years 3 months.

4. The learned counsel appearing for the petitioner submits that the petitioner has, as on date, undergone actual custody of more than seven years out of the total sentence of ten years awarded to him. It is argued that the object of furlough is reformatory in nature, intended to preserve family ties and facilitate social reintegration. It is stated that the petitioner was earlier released on parole and, save for one instance where he surrendered with a short delay owing to the demise



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of his brother Late Prakash and the performance of last rites and cremation ceremonies, he has not misused the liberty granted to him. It is submitted that such delay was neither deliberate nor motivated by any criminal intent. The punishment tickets dated 03.05.2024 and 02.12.2024 have not been approved by the learned Jail Visiting Judge. In these circumstances, it is prayed that the present petition be allowed.

5. On the other hand, the learned ASC for the State submits that the applicant has jumped parole on multiple occasions and has been re-arrested twice. It is further stated that the petitioner was awarded punishments dated 11.03.2022, 05.05.2024 and 02.12.2024 on account of absconding during parole and was subsequently re-arrested in connection with a fresh offence allegedly committed by him. It is contended that although the conduct of the petitioner during the last one year is stated to be satisfactory, the same cannot efface his past conduct, and that the overall jail conduct of the petitioner is reported to be unsatisfactory in view of the multiple punishments awarded to him. Such conduct, according to the learned ASC, clearly demonstrates a repeated and deliberate breach of the trust reposed in him by the prison authorities, but he has consistently misused the liberty granted to him. In these circumstances, the possibility of the petitioner absconding again, if released on furlough, cannot be ruled out. It is thus prayed that the present petition be dismissed.



6. This Court has **heard** arguments addressed on behalf of the petitioner as well as the State, and has gone through the material placed on record.

7. In the present case, petitioner *inter alia* seeks setting aside of order dated 05.08.2025 passed by the concerned Competent Authority *vide* which his application for grant of furlough has been rejected. The said order reads as under:

“In this regard, I am directed to inform you that the Competent Authority has considered the application for grant of furlough and same has been declined at this stage for the following reason(s):-

1. As per Rule 1224(iii) of Delhi Prison Rules 2018 ”Prisoners who re-arrested while released on parole or furlough, shall not be eligible for release on furlough”. The said convict was released on parole w.e.f 28.05.2020 to 09.07.2020 (06 weeks by DHC) same was extended time to time till 27.03.2021. But the convict did not surrender on time and jumped the parole & re-arrested on 28.10.2021 in another case i.e FIR No. 369/2021, U/s 186/353/332/333/307/34 IPC, PS-Tigri (on bail in this case). Hence, he is not eligible for grant of furlough in view of Rule 1224(iii) of Delhi Prison Rules, 2018, for his involvement in crime in spite of conviction undergone by him for more than 6 years showing no reformation or rehabilitation during the incarceration and also his propensity to commit crime.

2. The overall jail conduct of the convict is unsatisfactory being punishments dated 11.03.2022, 05.05.2024 & 02.12.2024.

3. Police has strongly opposed the release of the convict for furlough.”

8. As is evident from the above, the petitioner’s request for grant



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of furlough has been declined primarily on the ground that he had earlier been released on parole on multiple occasions and had repeatedly misused the liberty so granted. In this context, the following aspects merits consideration:

- (i) The petitioner was released on parole for a period of six weeks w.e.f. 28.05.2020 to 09.07.2020, and the parole was thereafter extended from time to time on account of the COVID-19 pandemic till 27.03.2021. However, the petitioner failed to surrender upon expiry of the parole period, jumped parole, and was subsequently re-arrested on 28.10.2021 in connection with FIR No. 369/2021 registered at Police Station Tigri for offences under Sections 186/353/332/333/307/34 IPC.
- (ii) The petitioner was again released on parole for a period of six weeks w.e.f. 13.03.2024 to 23.04.2024 pursuant to orders of this Court. The parole was further extended by ten days, fixing the date of surrender as 02.05.2024. However, the petitioner surrendered belatedly on 03.05.2024, i.e., with a delay of one day.
- (iii) Subsequently, the petitioner was released on parole for a period of three weeks w.e.f. 27.09.2024 to 17.10.2024 pursuant to orders of this Court. The parole was further extended by one week, and the date of surrender was fixed as 23.10.2024. The petitioner, however, failed to surrender on the due date and



again jumped parole. He was thereafter re-arrested on 30.11.2024 in the same case.

9. As regards the criteria for grant of furlough, Rule 1223 of the Delhi Prison Rules, 2018 [hereafter ‘DPR’] provides 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.”

10. Pertinently, Rule 1224 of the DPR *inter-alia* provides that the following category of prisoners shall not be eligible for release on furlough:

“(iii) Prisoners who are considered dangerous or have been involved in serious prison violence like assault, outbreak of riot, mutiny or escape, or **rearrested who absconded while released on parole or furlough** or who have been found to be instigating serious violation of prison discipline as per the reports in his/her annual good conduct report.”

(emphasis added)

11. The record reveals that on two separate occasions, the petitioner not only jumped parole but also remained absconding for a considerable period, which necessitated his re-arrest.

12. In the first instance, after being released on parole during the period 28.05.2020 to 09.07.2020, which was extended up to



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27.03.2021 on account of the COVID-19 pandemic, the petitioner failed to surrender and was ultimately re-arrested on 28.10.2021, i.e., after a lapse of more than seven months, in connection with FIR No. 369/2021 registered at Police Station Tigri for offences under Sections 186/353/332/333/307/34 of IPC. Thereafter, despite this past conduct, the petitioner was again extended the benefit of parole in September, 2024. Yet again, he failed to surrender upon expiry of the extended parole period on 23.10.2024 and was re-arrested only on 30.11.2024, after remaining absconding for more than one month. The record further reveals that the petitioner is also involved in three other FIRs, one registered in the year 2018 and two in the year 2021. It is, thus, pertinent to note that although the petitioner was convicted in the present case in the year 2019, he has remained in actual judicial custody for only about four and a half years post-2019, having been released on parole on three occasions, and on each such occasion, there has been misuse of the liberty so granted.

13. Thus, the repeated misuse of parole by the petitioner, his acts of absconding, and the necessity of his subsequent re-arrest clearly bring his case within the embargo contained in Rule 1224(iii) of the DPR.

14. This Court is also of the view that as held by the Hon'ble Supreme Court in *State of Gujarat v. Narayana: 2021 SCC OnLine SC 949*, furlough is an incentive towards good conduct inside the jail



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and it cannot be claimed as a matter of absolute right.

15. In view of the aforesaid facts and circumstances, particularly the repeated misuse of parole by the petitioner, his acts of absconding on more than one occasion necessitating re-arrest, and his involvement in other criminal cases, this Court is not inclined to interfere with the impugned order dated 05.08.2025 passed by the Competent Authority.

16. The present petition seeking grant of furlough is therefore dismissed.

17. It is, however, clarified that this order shall not preclude the petitioner from applying afresh for grant of parole or furlough in accordance with law and the DPR, in future, and any such application, if preferred, shall be considered by the concerned Competent Authority on its own merits and in accordance with law.

18. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

FEBRUARY 27, 2026/A

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