



2026:DHC:2638



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

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Judgment reserved on: 27.02.2026
Judgment pronounced on: 27.03.2026
Judgment uploaded on: 28.03.2026

+ **W.P.(CRL) 2829/2025, CRL.M.A. 30049/2025, CRL.M.A. 38732/2025 & CRL.M.A. 2042/2026**

VARITA SONIPetitioner

Through: Mr. Sarthak Maggon,
Advocate.

versus

STATE OF NCT OF DELHIRespondent

Through: Mr. Rahul Tyagi, ASC (CrI)
for State with Mr. Sangeet
Sibou, Advocate.+ **W.P.(CRL) 343/2026**

VARITA SONIPetitioner

Through: Mr. Sarthak Maggon,
Advocate.

versus

STATE (NCT OF DELHI)Respondent

Through: Mr. Rahul Tyagi, ASC (CrI)
for State with Mr. Sangeet
Sibou, Advocate.**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT**



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DR. SWARANA KANTA SHARMA, J

1. By way of the captioned petitions – W.P. (Crl.) 2829/2025 and W.P. (Crl.) 343/2026 – the petitioner seeks grant of the first spell of furlough and grant of parole for a period of eight weeks, respectively, primarily on the ground that the petitioner’s presence is required for the care and support of her children, as well as her aged mother, who is presently facing health-related difficulties.

2. The brief facts of the case are that the petitioner is presently lodged in Central Jail No. 6, Tihar, New Delhi, undergoing a sentence of life imprisonment in connection with FIR No. 80/2007, registered at Police Station Dabri, Delhi in respect of which she was convicted for offence under Section 302 of the Indian Penal Code, 1860 [hereafter ‘IPC’] by the learned Trial Court. Her conviction was upheld by this Court in CRL.A. 928/2011 *vide* judgment dated 15.01.2013, and the Special Leave Petition (SLP) preferred by her was dismissed by the Hon’ble Supreme Court.

3. The nominal roll of the petitioner has been received and, upon perusal of the same, it is noted that the petitioner has remained in judicial custody for a period of 17 years and 11 months.

4. The case set out by the petitioner is that she is the mother of two daughters. It is stated that the younger daughter was born in the year 2018, while the petitioner was released on emergency parole. The husband of the petitioner unfortunately, passed away on 25.04.2021 during the COVID-19 pandemic. At present, the



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petitioner's elderly mother is looking after both daughters; however, she is suffering from various ailments and is not in a position to provide adequate care to them. The elder daughter has recently secured admission in Punjab Engineering College and, owing to her academic commitments, is also unable to take care of her younger sister. Consequently, the younger daughter is presently in need of the care, support, and companionship of her mother.

5. The learned counsel appearing for the petitioner submits that the petitioner has undergone about 17 years and 11 months of actual incarceration and over 20 years of imprisonment including remission, and has never misused the liberty granted to her on earlier occasions. It is contended that the competent authority erred in rejecting her request for grant of first spell of furlough vide order dated 22.08.2025 on the ground of delayed surrender. It is submitted that the petitioner was released on furlough from 04.03.2024 to 19.03.2024, and her surrender was subsequently exempted by the Hon'ble Supreme Court till 01.10.2024. On 01.10.2024, the Hon'ble Supreme Court dismissed her petition, noting certain errors and concealments in a batch of similar matters, and directed the petitioners, including the present petitioner, to surrender forthwith. It is contended that the order was uploaded on 05.10.2024 and communicated to the petitioner only on 12.10.2024, and being a resident of Chandigarh, she required reasonable time to arrange travel and engage counsel. The learned counsel submits that the petitioner thereafter filed W.P.(Crl.) 3255/2024, wherein this Court directed consideration of



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her case for premature release on priority. It is further argued that, on legal advice and in view of extensions granted to similarly placed convicts, the petitioner believed that her exemption from surrender was pending, and accordingly approached the Hon'ble Supreme Court by filing SLP (Crl.) No. 50463/2024. It is stated that the Sentence Review Board considered her case on 10.12.2024. Subsequently, on 15.04.2025, the Hon'ble Supreme Court granted her four weeks' time to surrender. The petitioner surrendered on 13.05.2025 within the stipulated time. It is further submitted that upon the Hon'ble Supreme Court observing on 23.05.2025 that the appropriate remedy was to challenge the decision of the Sentence Review Board before this Court, the petitioner withdrew the SLP and filed W.P.(Crl.) 2446/2025. It is argued that no punishment has been awarded to the petitioner for the alleged delay in surrender. It is also submitted that the petitioner has a minor daughter aged about six years, born during emergency parole in 2018, who requires her care, and is presently being looked after by the petitioner's ailing mother, while her elder daughter is unable to do so due to her recent admission in Punjab Engineering College, Chandigarh.

6. The learned ASC appearing for the State submits that the petitioner was earlier released on parole by the competent authority for the period from 04.03.2024 to 19.03.2024. It is stated that the petitioner had approached the Hon'ble Supreme Court by way of SLP (Crl.) No. 3496/2024 seeking premature release, and *vide* order dated 07.03.2024, she was granted exemption from surrender. However,



subsequently, *vide* order dated 01.10.2024, the Hon'ble Supreme Court vacated the said interim protection and directed the petitioner to surrender forthwith. It is contended that despite the aforesaid direction, the petitioner failed to surrender. In the interregnum, the petitioner filed another SLP before the Hon'ble Supreme Court, wherein *vide* order dated 15.04.2025, she was granted four weeks' time to surrender, along with a direction to place proof of surrender on record. The learned ASC submits that the petitioner concealed the material fact from the Hon'ble Supreme Court that she had no protection for the period from 01.10.2024 to 15.04.2025 and yet did not surrender during the said period. It is further argued that in terms of Rule 1224(III) of the Delhi Prison Rules, 2018, a prisoner who absconds while on parole or furlough is not entitled to grant of furlough. Reliance is also placed on Standing Order No. 01/2019 issued by the Office of the Director General of Prisons, which lays down guidelines governing grant of parole and furlough. As per Clause 26 thereof, the petitioner is stated to be ineligible for furlough for a period of one year, as a punishment in the form of 'warning' had been issued to her on account of delayed surrender. On these grounds, it is prayed that the present application be dismissed.

7. In rebuttal, the learned counsel appearing for the petitioner submits that the respondent seeks to deny furlough by invoking Clause 26 of Standing Order No. 01/2019, which applies in cases where a convict, while regularly availing furlough, commits a jail offence and is issued a warning. It is contended that the said Standing



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Order was issued pursuant to W.P.(Crl.) 2552/2018 (Sitaram v. State) vide order dated 29.08.2018, at a time when the Delhi Prison Rules, 2018 had not yet come into force, and primarily concerns convicts having pending appeals or SLPs against conviction. It is further argued that, in any event, a Standing Order cannot override the statutory provisions contained in the Delhi Prison Rules, 2018, and in case of any inconsistency, the Rules, including Rule 1178 thereof, would prevail.

8. This Court has **heard** arguments addressed by the learned counsel for the applicant and the learned ASC for the State, and has perused the material on record.

9. This Court notes that the petitioner had filed an application seeking furlough before the competent authority, which came to be rejected *vide* order dated 22.08.2025.

10. The rejection was primarily on the ground that the petitioner had earlier been released on furlough from 04.03.2024 to 19.03.2024. Thereafter, the petitioner had filed SLP (Crl.) No. 3496/2024 seeking premature release, and vide order dated 07.03.2024, the Hon'ble Supreme Court had exempted her from surrendering. However, subsequently, vide order dated 01.10.2024, while disposing of the said SLP, the Hon'ble Supreme Court directed the petitioner to surrender. The petitioner failed to comply with the said direction within the stipulated time and eventually surrendered on 13.05.2025. The relevant portion of the order of the competent authority reads as



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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 for the following reason(s):—

1. She was released on furlough w.e.f. 04.03.2024 to 19.03.2024. Thereafter, she was exempted from surrendering by Hon’ble Apex Court till 01.10.2024. On 01.10.2024, the Hon’ble Supreme Court dismissed her petition and directed to surrender immediately, but she did not surrender on time. Later, she surrendered herself in jail on 13.05.2025.

2. Rule 1224(iii) of Delhi Prison Rules 2018 states that the prisoner who absconded while released on parole or furlough shall not be eligible to be released on furlough. Since, she had violated the terms and conditions of furlough, her request of furlough for current conviction year stands rejected.”

11. It is the contention of the petitioner that she became aware of the direction to surrender only on 12.10.2024. However, instead of surrendering thereafter, she filed W.P. (Crl.) No. 3255/2024 before this Court, contending that her case had not been considered even once by the Sentence Review Board despite her being eligible for such consideration. The petitioner has further submitted that she had been advised by her counsel before the Hon’ble Supreme Court that her application seeking exemption from surrender was still pending consideration and that she was not required to surrender while awaiting a decision of the Sentence Review Board. Subsequently, the petitioner approached the Hon’ble Supreme Court by way of SLP (Crl.) No. 50463/2024. *Vide* order dated 15.04.2025, the Hon’ble Supreme Court directed the petitioner to surrender within four weeks. In compliance with the said direction, the petitioner surrendered on



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13.05.2025.

12. A perusal of the order dated 01.10.2024 passed in SLP (Crl.) No. 3496/2024 makes it clear that the petition was withdrawn by the petitioners and the interim relief granted earlier stood vacated. The said order reads as under:

“ The learned senior counsel appearing for the petitioners seeks permission to withdraw these Petitions with liberty to file substantive Petitions before the High Court.

The Petitions are, accordingly, disposed of as withdrawn with liberty as prayed.

The interim relief granted by this Court in these Petitions stands vacated.”

13. **The natural consequence of the above-noted order** was that the exemption from surrender, which had earlier been granted to the petitioner, ceased to operate, and the petitioner was required to surrender forthwith.

14. It is also an admitted position that the order was uploaded on the internet on 05.10.2024 and that the petitioner became aware of the same on 12.10.2024. However, despite having knowledge of the order, the petitioner did not surrender and instead proceeded on the presumption that her application seeking exemption from surrender was still pending consideration before the Hon’ble Supreme Court, which appears to be untenable.

15. The record further reflects that wireless messages dated 10.10.2024, 23.10.2024, 15.11.2024 and 07.01.2025 were issued noting that the petitioner had failed to surrender despite the direction



contained in the order dated 01.10.2024. However, even pursuant to the said communications, the petitioner did not surrender before the Jail Authorities, *though* she now disputes having received any such messages.

16. Nevertheless, the factum of the order dated 01.10.2024 was concededly within the knowledge of the petitioner.

17. The record further reveals that after surrendering on 13.05.2025, a warning was issued to the petitioner on 02.06.2025 by the Jail Authorities, noting that she had failed to surrender within time in terms of the order dated 01.10.2024 and that such conduct could attract action under the Delhi Prison Rules, 2018.

18. Pursuant thereto, the petitioner submitted a written apology bearing her signatures, wherein she acknowledged that she was aware of the order dated 01.10.2024 and yet did not surrender within the stipulated time. In the said letter, she stated that her two daughters were being looked after by her elderly mother and that, around the relevant time, her mother had undergone an eye operation, which prevented her from surrendering earlier; *though* she now disputes having signed any such apology letter.

19. As per Standing Order No. 01/2019 issued by the Office of the Director General of Prisons, Clause 26 provides that where a convict, who has been regularly availing furlough, commits a minor jail offence and a warning is recorded against him or her, such convict may be considered eligible for furlough only after the lapse of one



year from the date of the said offence. Thus, on this ground, the petitioner would be ineligible for grant of furlough.

20. The argument of the learned counsel for the petitioner that Standing Order No. 01/2019 cannot override any provisions of the Delhi Prison Rules is also without merit. *Firstly*, the petitioner has not specifically challenged any clause of the said Standing Order before this Court. *Secondly*, in this regard, this Court also notes that the Division Bench of this Court in *Deepak Srivastav v. State (NCT of Delhi)*: 2025 SCC OnLine Del 8281 upheld the validity of Clause F(3) of the same Standing Order and observed, *inter alia*, that the Standing Order No. 01/2019 does not override the statutory rules but rather supplements them by providing a mechanism to assess whether a convict has continued to maintain good conduct. It was further held that such administrative instructions, issued under the supervisory powers of the Director General of Prisons, are valid so long as they do not conflict with the provisions of the Act or the Rules. The relevant portion of the decision is set out hereunder:

“**31.** The Delhi Prisons Rules, 2018, have been made by the State Government in exercise of its power conferred on it under Section 71 of the Act, 2000, which empowers the Government to make rules generally to carry out the provisions of the Act, 2000. The particular subjects on which rules can be made under Section 71, albeit without prejudice to the generality of sub-section 1 of Section 71, have been mentioned in Section 71(2) of the Act, 2000. Thus, the Rules, 2018, are statutory in nature having been framed by the State Government under Section 71 of the Act, 2000.

32. The entire regime regulating grant of parole and furlough to the prisoners is governed by Chapter XIX of the Rules, 2018.



The grant of furlough and procedure for disposal of applications seeking furlough are governed by Rule 1220 to Rule 1243 of the Rules, 2018. According to the statutory Scheme for grant of furlough as available in Rule 1220 to 1243, in order to be eligible for furlough, the prisoner must fulfill certain criterion which are, (1) he should be citizen of India, (2) he should not be habitual offender and (3) he should have exhibited good conduct in prison and should have earned rewards in three AGCRs and he continues to maintain good conduct. In the rules, certain categories of prisoners, such as those convicted under sedition, terrorist activities and NDPS are not eligible for release on furlough. Those prisoners whose presence in the society may be considered dangerous or prejudicial to public peace and order by the District Magistrate are also not eligible to be released on furlough. Even the convicted foreigners are also not eligible to seek furlough. Certain other categories of prisoners in terms of the said rules are also not eligible.

33. Rule 1226 provides that an application for grant of furlough is to be submitted by the convict or his family members to the Superintendent of Jail containing certain details given therein. Such an application is to be forwarded to the police station concerned and report from the police station and the investigating agency are also required which should be based on a fair inquiry. Thereafter, the application seeking furlough is to be forwarded to the competent authority by the Superintendent of Prisons and the competent authority authorized to sanction furlough, may make order for release of the prisoner, subject to certain conditions. One of the considerations to determine the eligibility to obtain furlough as given in Rule 1223 is that the prisoner should have earned rewards in last three AGCRs and he continuous to maintain good conduct. Thus, merely earning three AGCRs does not suffice for making eligible a convict to seek furlough. In addition to three AGCRs, for being eligible to seek furlough, a convict should continue to maintain good conduct. Thus, the impugned Clause F(3) of the Standing Order No. 01 of 2019 provides as to how determination of whether the convict concerned had continued to maintain good conduct, can be done. What we find, thus, is that Clause F(3) of the Standing Order No. 01 of 2019 has been prescribed only to supplement Rule 1223 (1) in the sense that Clause F(3) of the Standing Order No. 01 of 2019 provides a mechanism to determine the



fact as to whether the convict seeking furlough, has continued to maintain good conduct.

(Emphasis by the Court)

34. We are also of the opinion that to come to a conclusion that the convict having earned three AGCRs has or has not continued to maintain good conduct, a watch period of one year has been prescribed therein which only supplements the provisions contained in Rule 1223 (1) of the Rules, 2018. As a matter of fact, the Standing Order No. 01 of 2019 is nothing but a compilation of instructions, which have been issued in order to appropriately apply the rules while considering/processing any application/prayer for grant of furlough. Thus, the impugned provision contained in Clause F(3) of the Standing Order No. 01 of 2019 is supplemental to the rules, which authority, in our opinion, can very well being exercised by the Director General of Prisons under his general administrative and supervisory power of control over the affairs of the prisons.

35. Clause F(3) of the Standing Order No. 01 of 2019 which is under challenge herein has, thus, been issued by the Director General of Prisons exercising his general administrative powers and since such a provision does not, in any manner, infringes and contradicts any provision either of the Act, 2000 or of the Rules, 2018, we are of the opinion that the same cannot be said to be without jurisdiction or illegal being *ultra vires*.

36. Considering the other submission of learned counsel for the petitioner that the impugned provision infringes the right of liberty as enshrined under Article 21 of the Constitution of India, we may observe that right to seek furlough is not an absolute right; it is rather a right governed by the statutory prescriptions embodied in the Act, 2000 and the Rules made thereunder, enacted by the competent legislature.

37. It is also to be noticed that a person seeking furlough is a convict under law, who is incarcerated under a validly passed order by a competent Court. In the instant case, order of conviction of the petitioner has been upheld up to the Hon'ble Supreme Court and therefore, if by operation of any statutory rule or any statutory provision, furlough is being denied to the petitioner, it cannot be said that it shall amount to denial of right of liberty enjoyed by the petitioner. Right to liberty under furlough or parole is regulated by the Act, 2000 and the rules framed thereunder and therefore, any infringement of such a



right can only be attended to by the Courts, if the petitioner or any other person is able to establish infraction of the provisions of the Act, 2000 or rules framed thereunder...”

21. This Court is also of the view that furlough is essentially granted as an incentive for a prisoner’s good conduct during incarceration, and is intended to reward discipline and satisfactory behaviour in prison, and the period spent by a prisoner outside the prison while on furlough is counted towards the sentence. Parole, on the other hand, refers to the temporary release of a prisoner for a limited period, primarily to enable the prisoner to maintain social ties with family and the community or to attend to specific personal exigencies. However, the period spent by a prisoner outside the prison while on parole is not counted towards the sentence. As held by the Hon’ble Supreme Court in *State of Gujarat v. Narayana: 2021 SCC OnLine SC 949*, furlough is intended as an incentive for maintaining good conduct while in custody and cannot be claimed by a prisoner as an absolute or vested right.

22. Even otherwise, though this Bench has granted the relief of furlough to certain other convicts whose cases were *akin* to that of the present petitioner, and whose petitions had been dismissed by the Hon’ble Supreme Court on 01.10.2024 with the interim protection from surrender having been vacated, the facts of those cases are clearly distinguishable. In decisions such as *Suresh v. State (NCT of Delhi): 2025:DHC:588*, *Raju v. State (NCT of Delhi): 2025:DHC:586* and *Md. Salauddin v. State (NCT of Delhi):*



2025:DHC:331, the delay in surrender by the convict was only 5 days, 7 days and 10 days, respectively, and this Court, considering such minor delays, had granted the relief of furlough. In the present case, *however*, the delay in surrender is more than 07 months, and therefore, this Court is not inclined to show any indulgence in favour of the petitioner.

23. The petitioner's prayer for grant of furlough is accordingly *rejected*. This, however, shall not preclude the petitioner from applying for furlough, as per rules, in the next conviction year.

24. The petitioner herein has also filed W.P. (Crl.) 343/2026, seeking grant of parole for a period of eight weeks on the ground that her children and her ailing mother require her presence and maternal support.

25. It is noted by this Court that the petitioner has remained in judicial custody for about 17 years and 11 months as on date, excluding the remission. During the course of her incarceration, she has been released on parole and furlough on about 31 occasions. The record indicates that there has been only one instance of violation attributed to her, when she failed to surrender on 01.10.2024 and ultimately surrendered on 13.05.2025. In relation to the said lapse, a warning was issued to her. But otherwise, her jail conduct is reported as satisfactory.

26. Therefore, insofar as the prayer for parole is concerned, this Court is inclined to grant parole to the petitioner for a period of four



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(04) weeks from the date of her release, on the following terms and 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 a family member, to the satisfaction of the Jail Superintendent concerned.
- ii. The petitioner shall report to the SHO concerned of the local area once a week on every Sunday between 10:00 AM to 11:00 AM during the period of parole.
- 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.
- iv. The petitioner shall reside at the address mentioned in the present petition during the period of parole.
- v. The petitioner shall surrender before the Jail Superintendent, immediately after the expiry of the period of parole.

27. Accordingly, W.P. (Crl.) 2829/2025 stands *dismissed* along with pending applications, whereas W.P. (Crl.) 343/2026 is *disposed of* in above terms.

28. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MARCH 27, 2026/

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