



2026:DHC:8793



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision : 05.10.2026

CNR No.DLHC010442752026

+ W.P.(CRL) 2880/2026

RAHUL @ PUNEET

.....Petitioner

Through: Mr. Shannu Baghel and Ms. Sonam
Tomar, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Sr. Adv., Mr.
Hemant Mehla, APP, Mr. Abhinav
Kumar and Mr. Aryan Sachdeva,
Advs. for State.
SI Pankaj Kasana, PS Anand Vihar.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (ORAL)

1. The petitioner, via the present petition, assails Order No. F.10(003806763)/CJ/Legal/PHQ/2026, dated 04.08.2026 (hereinafter "*Impugned Order*"), whereby the application of the petitioner for a 2nd spell of furlough was rejected. The Impugned Order reads as under:

This is in reference to the application for grant of furlough to convict **Rahul @ Puneet @ Philips s/o Rajender**.

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):-

- I. Rule 1223(i) of Delhi Prison Rules 2018 states that "the prisoner must have a good conduct in prison and should have earned reward in last 03 Annual Good Conduct Remission and continue to maintain good conduct". In the present matter the said convict is short of last 03 AGCR as the convict's conduct inside jail is un-satisfactory in view of punishment dated 13.04.2026 for misbehave with Sh. Jai Hind HW-1739 (warred by SCJ-14).
- II. The jail SuperIntendent has not recommended the furlough of the convict.

The convict may be informed under proper acknowledgement.



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2. It is urged that the Impugned Order is completely unjustified inasmuch as the same is contrary to the Delhi Prison Rules, 2018 (hereinafter “DPR”). Accordingly, it is submitted that it is untenable for the respondent to rely upon the circumstance referred to in the impugned order as the basis for denying furlough to the petitioner.

3. As can be noted, the Impugned Order emphasises the punishment dated 13.04.2026 to reject the application for furlough. As per the Nominal Roll, the punishment for the said date was a warning.

4. However, the Impugned Order fails to consider Standing Order No. 01/2019, modified *vide* order dated 07.06.2019. The modified Standing Order expunges ‘punishment for warning’ as a ground for refusing to grant to furlough. The same was noted by this Court in ***Pintu @ Bintu v. State of NCT of Delhi***, 2025:DHC:1408:

“10. The learned counsel for the petitioner also drew this Court’s attention to an order dated 07.06.2019 vide which the Standing Order No. 01/2019 was modified to the extent that in case a warning is issued to a convict, he shall be eligible for furlough.”

(emphasis supplied)

5. The note of this modification, *qua* Standing Order No. 01/2019, was also made by this Court in ***Raju v. State (NCT of Delhi)***, 2025:DHC:586. The observation made with respect to this modification by this Court in ***Jitender @ Kalla v. State of NCT of Delhi***, 2025:DHC:5407, is reproduced hereinbelow:

“Moreover, by way of an order dated 07.06.2019, the Standing Order No. 01/2019 was modified to the extent that in case a warning is issued to a convict, the shall not come in way of granting furlough to a convict.”

(emphasis supplied)



6. Considering the modification to Standing Order No. 01/2019, 'punishment of warning' cannot be considered a valid ground for rejecting the petitioner's application for second spell of furlough.

7. The petitioner also places reliance on Rule 1178 of the DPR. The said Rule clearly lays down the standards when an inmate shall be eligible for Annual Good Conduct Remission, and clarifies that any warning given to him shall not be considered. The ***Explanation to Rule 1178 of the Delhi Prison Rules, 2018*** is quoted below:

*"For the purpose of this rule, **prison offences punished only with warning shall not be taken into account.**"*

(emphasis supplied)

8. Therefore, it can be noted that the scheme of the DPR is not to hold the 'punishment for warning' against the prisoner and prevent his/her release, especially via furlough and remission. This scheme of DPR can be noted against the objectives of parole and furlough mentioned in Rules 1197 and 1200 of the DPR. **Rules 1197 and 1200** are extracted hereunder:

"1197. Parole and Furlough to inmates are progressive measures of correctional services. The release of a 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 contact with family and the community sustains 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



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vii. To motivate him to maintain good conduct and discipline in the prison...”

9. These objectives were elucidated by this Court in its order dated 05.06.2026, passed in **Sunil Nayak v. State (NCT of Delhi), W.P. (Crl.) 398/2026**, wherein the following observations were made:

“5. Apart from the aforesaid, the authorities must keep in mind the basic purpose of the concepts of parole and furlough. The requests for parole and furlough have to be examined in a paradigm different from other issues. The basic purpose of these provisions is to prevent prisonization and thereby the same are steps towards reformation of the convict. Merely because the convict released on parole and/or furlough fails to surrender in time, unless there are other inculpatory circumstances, delay of a day or two in surrender must be examined with a slight tilt in favour of the convict in order to ensure proper utilization of these tools of reformation.

“6. Further, it appears that earlier, the respondent had issued a notification holding that punishment of warning shall not stand in the way of granting furlough, but that notification was withdrawn. Suffice it to record that prima facie, the said withdrawal was a regressive step, not consonant with the concept of reformation of the convict.”

(emphasis supplied)

10. In the circumstances, the ‘punishment of warning’ cannot be the sole reason for rejecting the application for furlough. As such, the reasoning supplied in the Impugned Order is untenable in the eyes of law.

11. It is further submitted by the petitioner that reliance on punishment of warning as a ground for rejection is unjustified, as the same was not considered as a ground for disqualification in Order F.10(J806763)/CJ/Legal/2026/2037, dated 24.04.2026, vide which the petitioner was granted furlough. The averment of the petitioner to this effect is reproduced hereinbelow:

“15. That the respondent failed to appreciate while rejecting second spell of furlough that as the reason cited in the rejection order dated 04.08.2026 “Rule 1223 (l) of Delhi prison Rules 2018- which states that “the prisoner must have a good conduct in prison and should have



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*earned reward in last 03 annual Good conduct report and continue to maintain good conduct” In the present matter has not earned 03 AGCR as the convicts conduct inside Jail is un-satisfactory in view of the punishment dated 13.04.2026 for misbehave with Sh. Jai Hind 1739 HW(Warned by SCJ-14). **It is submitted that the petitioner was granted first spell of furlough vide order dated 24.04.2026 and same was released on 28.04.2026 even respondent having knowledge that notice dated 15.04.2026 was issued to the petitioner for explanation.”***

(emphasis supplied)

12. Learned counsel for the respondent points out that as per the Nominal Roll, furnished by learned counsel for the respondent during the course of hearing, it transpires that the period undergone by the petitioner is to the tune of 16 years, 4 months, and 25 days.
13. Importantly, it is noticed that the petitioner has been previously granted nine spells of furlough since 2016.
14. Learned counsel for the respondent does not controvert the contention made by learned counsel for the petitioner that the reasons cited in the impugned order, cannot be an impediment to the grant of furlough.
15. Considering the circumstances, the present petition is allowed.
16. The Impugned Order dated 04.08.2026 is hereby set aside.
17. The respondent is directed to release the petitioner on furlough for a period of two weeks on the usual terms and conditions to the satisfaction of the Jail Superintendent.

SACHIN DATTA, J

OCTOBER 5, 2026/cl/vk