



2026:DHC:8788



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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. DLHC010394922026**+ **W.P.(CRL) 2561/2026****RISHI RALLAN**

.....Petitioner

Through: **Mr. Chetan Bhardwaj and Ms. Priyal Bhardwaj, Advs.**

versus

STATE GNCT OF DELHI

.....Respondent

Through: **Mr. Sanjay Lao, Sr. Adv., Mr. Hemant Mehla, APP, Mr. Abhinav Kumar and Mr. Aryan Sachdeva, Advs. for State.**
SI Chander Prakash, ARSC / Crime Branch.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. The petitioner assails Order No. F.2/SCJ-2/CJ-2/AS(FURLOUGH)/2026/547, dated 17.03.2026 (hereinafter "*Impugned Order*"), whereby his application for the first spell of furlough was rejected. The denial relies upon a punishment, *i.e.*, warning dated 10.12.2025, imposed for misbehaving with a lady counsellor and accordingly renders the petitioner ineligible till 10.12.2026.

2. The Impugned Order reads as under:



2026:DHC:8788



It is submitted that an e-mail was received in this office on 12.03.2026, whereby, the above said convict has filed an 1st spell furlough application before this office through e-mail.

It is further submitted that Convict Rishi Rallan S/o Ram Singh is presently lodged in this jail and Serving sentence RI for life & fine Rs. 45000/- I/D 09 Months SI in subject cited case.

It is pertinent to mention here that the above said convict is not eligible for furlough, being punishment dated 10.12.2025 (Copy enclosed). Misbehaved with the counselor (a lady) when he was called for a counseling session after surrendered from furlough, (Punishment Heard & Warned to be careful in future by SC)-2)

As per PHQ, standing order no.- 01/2019 dated 26.03.2019:- "If the convict happens to commit jail offence (misbehaved with staff/Jumped Parole/ Furlough) and a punishment of warning has been recorded against him, he shall be eligible for furlough after gap of one year from the date of punishments. "In the present case said convict Misbehaved with the Lady counselor (a lady) when he was called for a counseling session after surrendered from furlough. Since punishments of warning has been against him in this offence."

It is therefore requested kindly look into the matter & disposed this application in the above said facts & circumstances. Further requested to pass necessary direction in this matter

As per Standing Order No. 01/2019 Para No. "If a convict avails furlough regularly and happens to commit jail offence and a warning is recorded against him, then he may be eligible for furlough after a gap of one year in case the jail offence committed by the said convict is minor". He is eligible for furlough after 10.12.2026.

3. As aforementioned, the Impugned Order cites Standing Order No. 01/2019, dated 26.03.2019, as the source for rendering the petitioner ineligible for furlough for 'punishment for warning'. However, it fails to consider that the aforesaid Standing Order, vide order dated 07.06.2019, was modified to expunge this ineligibility. The same was noted by this Court in **Pintu @ Bintu v. State of NCT of Delhi, 2025:DHC:1408:**



2026:DHC:8788



*“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)

4. 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)

5. 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 first spell of furlough.

6. Further, this Court must also take note of Rule 1178 of the Delhi Prison Rules, 2018 (hereinafter “DPR”), which clearly lays down that an inmate shall be eligible for Annual Good Conduct Remission, and 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)

7. 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



2026:DHC:8788



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

8. 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



2026:DHC:8788



facie, the said withdrawal was a regressive step, not consonant with the concept of reformation of the convict.”

(emphasis supplied)

9. Learned counsel for the respondent does not dispute the aforesaid implications flowing from the judgment in ***Pintu (Supra)*** and ***Sunil (Supra)***.

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 perverse and untenable in the eyes of law.

11. **Rule 1223** of the DPR, which provides the criterion for releasing a convict on furlough, is produced hereinbelow:

“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 the 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. As per the Nominal Roll, the petitioner has been in custody for 15 years, 11 months, and 8 days as of 04.09.2026. Moreover, the Roll also records that the petitioner had satisfactory jail conduct during his overall custody, except for the ‘punishment of warning’ recorded in the Impugned Order.

13. It must also be noted that the petitioner has been released on furlough on previous seven occasions. The Roll mentions no misconduct during the release. These factors provide further grounds favouring grant of furlough.

14. In the circumstances, the rejection order dated 17.03.2026 is set aside.

15. The petitioner shall be released on furlough for 21 days from the date of actual release on the usual terms and conditions to the satisfaction of the



2026:DHC:8788



Jail Superintendent.

16. The petition is allowed in the above terms.

SACHIN DATTA, J

OCTOBER 5, 2026/cl/vk