

Rahul Alias Puneet Alias Phillips vs State Of Nct Of Delhi on 8 April, 2025

Author: Swarana Kanta Sharma

Bench: Swarana Kanta Sharma

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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 08.0

W.P.(CRL) 669/2025

RAHUL ALIAS PUNEET ALIAS PHILLIPS

Through: Mr. Vishesh Wadh
Advocate (DHCLSC)

versus

STATE OF NCT OF DELHI

Through: Mr. Rahul Tyagi, ASC (

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA
JUDGMENT

DR. SWARANA KANTA SHARMA, J

1. By way of the present writ petition, the petitioner seeks setting aside of Order No F.10(21760)/CJ/LEGAL/PHQ/2025/M- 1044, dated 04.02.2025, passed by Director General (Prisons), and issuance of writ in the nature of mandamus directing the respondent to release the petitioner on 1st Spell of 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. 14, Mandoli, New Delhi, as he was convicted for commission of offence under Sections 302/307/324/34 of Indian Penal Code, 1860 and Section of 25 Arms Act, 1959, and was awarded sentence of rigorous imprisonment for life. The appeal preferred by him against his conviction, i.e. CRL.A. 549/2012, was dismissed by this Court vide order dated 14.10.2015.

3. The learned counsel appearing on behalf of the petitioner argues that the petitioner had approached the Competent Authority for grant of furlough for a period of three weeks vide application dated 15.01.2025; however, the same was dismissed by way of impugned order dated 04.02.2025 on the ground that when he was released on emergency parole during Covid-19 pandemic, he was re- arrested by the police in about 10 other cases. The learned counsel for the petitioner contends that the petitioner was falsely implicated and wrongly arrested in the said 10 cases while he was on parole, which is evident from the fact that he has already been acquitted in 08 out of the 10 cases and has been granted bail in other cases. It is submitted that in the year 2023, the petitioner was granted parole by this Court on the ground of marriage of his brother, while noting

the factum of his re-arrest in aforesaid cases. Further, while on Parole, the petitioner had approached the Hon'ble Supreme Court challenging the order of Sentence Review Board and for grant of permanent remission and stay was granted on his surrender. On 21.10.2024, the Hon'ble Supreme Court had granted two weeks time to the petitioner for surrendering before the jail authorities, and he had surrendered within the stipulated time. It is argued on behalf of the petitioner that since 28.06.2021 (date of petitioner's re-arrest), the petitioner has maintained good conduct in jail and not even a single punishment has been recorded against him. It is therefore contended that the jail authorities have failed to appreciate that as per Rule 1223 of the Delhi Prison Rules, 2018, the petitioner is eligible for grant of furlough as he has maintained good conduct inside jail and has earned reward in last three annual good conduct report, and that he continues to maintain good conduct.

4. The learned ASC appearing on behalf of the State, on the other hand, argues that the petitioner herein is a habitual offender, and he was re-arrested after being released on emergency parole in 10 other cases. It is also contended that the overall jail conduct of the petitioner is unsatisfactory and he was given punishments in the past also. 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.

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

6. The petitioner's application seeking furlough was rejected by the Competent Authority vide following order dated 04.02.2025:

"... That he was released on Emergency Parole for 03 weeks w.e.f. 27.11.2020 to 19.12.2020 by the order of Hon'ble High Court of Delhi and same was extended time to time but he was re-arrested on 28.06.2021 in 10 other cases. The convict has violated the conditions of emergency parole. Hence, s request for furlough stands rejected..."

7. At the outset, this Court notes that during the course of arguments, the learned ASC appearing on behalf of the State did not dispute the fact that no FIR had been registered against the present petitioner after the year 2021. Further, though the petitioner was implicated in 10 cases in the year 2021, the police itself had submitted before the concerned Courts that no material was found against the petitioner in 08 out of these 10 cases, whereas in remaining 02 cases, he has already been granted bail. Concededly, after the year 2021, no punishment has been awarded to the petitioner in the jail also. Therefore, it is clear that since the year 2021, till date, neither any punishment has been awarded to the petitioner within the jail nor any case has been registered against him.

8. Moreover, the petitioner herein was granted parole for about 10 days in the year 2023 by this Bench for the purpose of participating in some marriage ceremonies of his family members. His surrender was stayed by the Hon'ble Supreme Court and thereafter, upon being directed by the Hon'ble Supreme Court to surrender, the petitioner had surrendered on time and had not misused

the liberty so granted.

9. It is also clear from the record that the petitioner has been working as a Ward Sahayak in the jail, and his jail conduct has been satisfactory for the last three years, and no punishment has been awarded to him. He has remained in judicial custody for about 14 years and 10 months, excluding the period of remission earned by the petitioner i.e. more than 3 years.

10. Rules 1197 and 1200 of the Delhi Prison Rules, 2018 provide insight as to what objects are achieved by releasing a convict on parole. The said rules read as under:

"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 contacts with family and the community sustain 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..."

11. 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, this Court is inclined to direct the release of petitioner on 1st spell of 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, to the satisfaction of the Jail Superintendent. II. The petitioner shall report to the SHO of the local area once a week on every Sunday 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 telephone 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. V. Immediately upon the expiry of the period of furlough, the petitioner shall surrender before the Jail Superintendent.

12. In above terms, the present writ petition along with pending application, if any, is disposed of.
13. A copy of this judgment be sent by the Registry to the Jail Superintendent concerned.
14. The judgment be uploaded on the website forthwith DR. SWARANA KANTA SHARMA, J APRIL 8, 2025/ns