



2026:DHC:1171



\$~

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

%

Reserved on: 05th January, 2026

Pronounced on: 11th February, 2026

+

W.P.(CRL) 3628/2025

VIKAS YADAV

.....Petitioner

Through:

Mr. Vikas Pahwa, Sr. Adv. with
Mr. Hemendra, Mr. Prabhav
Ralli, Mr. Shivam Tyagi, Ms.
Shreya Chauhan, Advs.

versus

**THE STATE NCT OF DELHI THROUGH SECRETARY &
ORS**

.....Respondents

Through:

Mr. Rajesh Mahajan, SPP for
State with Ms. Jyoti Babbar,
Mr. Ranjeeb Kamal Bora,
Advocates for R-1 and R-2.

Ms. Vrinda Bhandari, Ms.
Pragya Barsaiyan, Advs. for R-
3

Mr. Sanchar Anand, Mr. Rajat
Rathee, Mr. Aman Kumar
Thakur, Mr. Pratimesh, Advs.
for R-4.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

JUDGMENT

RAVINDER DUDEJA, J.

1. This is a writ petition under Article 226 of the Constitution of India read with Section 528 of Bharatiya Nagarik Suraksha Sanhita,



2023 [“BNSS”] seeking grant of first spell of furlough for a period of 21 days to the petitioner and for quashing of the rejection order dated 29th October, 2025 passed by the Jail Authority.

Brief facts of the case:

2. The petitioner was convicted by the trial Court *vide* judgment dated 28th March, 2008 and sentenced to undergo imprisonment for life under Section 302/34 of Indian Penal Code [“IPC”], Rigorous Imprisonment [“RI”] for 10 years under Section 364/34 IPC and RI for 5 years under Section 201/34 IPC with fine. The substantive sentences were ordered to run concurrently.

3. The appeal preferred by the petitioner was dismissed by the Division Bench of this Court *vide* judgment dated 02nd April, 2014. The State and the first informant/complainant (respondent No.3) preferred petitions seeking enhancement of sentence before this Court. *Vide* judgment dated 06th February, 2015, the Division Bench of this Court enhanced the sentence awarded to the petitioner and directed that the petitioner shall undergo life imprisonment for offence under Section 302/34 IPC, which shall be 25 years of actual imprisonment without consideration of remission and fine of Rs. 15,00,000/-, RI for 10 years with fine for offence under Section 364/34 IPC and RI for 5 years with fine for offence under Section 201/34 IPC. It was further directed that the sentence for conviction of offences under Section 302/34 IPC and Section 364/34 IPC shall run concurrently, however,



the sentence under Section 201/34 IPC was directed to run consecutively to the other sentences.

4. The Hon'ble Supreme Court upheld the conviction of the petitioner *vide* judgment dated 17th August, 2015 and subsequently, *vide* order dated 03rd October, 2016, the sentences and other directions passed by the High Court were upheld with only modification that the sentence imposed under Section 201/34 IPC shall run concurrently with sentences under Section 302/34 IPC and not consecutively, as earlier directed by this Court.

5. The petitioner had earlier sought 21 days furlough *vide* LPA 516/2018, which was dismissed by the Division bench of this Court on 07th September, 2018 on the ground that good conduct remission is a prerequisite for furlough. As the petitioner, being sentenced to life imprisonment, is barred from consideration for remission for 25 years, he is not entitled to any remission, including annual good conduct remission required for furlough.

6. As per the nominal roll, the petitioner has undergone about 23 years of actual custody, and is presently working as a Ward Sahayak, but his application seeking the first spell of furlough was considered and rejected by the competent authority *vide* order dated 29th October, 2025. The relevant order of the competent authority is reproduced hereunder;



2026:DHC:1171



ANNEXURE P-1

OFFICE OF THE DIRECTOR GENERAL OF PRISONS

PRISON HEADQUARTERS : TIHAR

JANAK PURI : NEW DELHI

F.10(3467481)/CJ/Legal/PHQ/2025/7190

Dated 29.10.2025

ORDER

The Hon'ble High Court in W.P (Crl) 3451/2025 in the matter of Vikas Yadav v/s State of NCT of Delhi & Ors vide its order dated 17.10.2025 has directed DG (P) to decide his furlough application within a period of 10 working days from the receipt of the order. The furlough application attached with the ibid Writ Petition has been perused and following decision has been taken:

1. Convict Vikas Yadav s/o D.P. Yadav is undergoing life sentence in case FIR No. 192/2002 u/s 364/302/201/34 IPC, PS-Kavi Nagar (Ghaziabad), U.P. (Actual imprisonment of 25 years without consideration of remission).
2. Ms. Nilam Katara (victim party) vide has opposed for his release on furlough as he may endanger her life vide her reply dated 28.10.2025.
3. The Hon'ble High Court of Delhi vide its order dated 07.09.2018 in LPA 516/2018 Vikas Yadav v/s GNCT of Delhi & Ors. has held "Once the order of conviction of the petitioner prohibits considering his case for remission for a period of 25 years, the petitioner would not be entitled to any remission much less the annual good conduct remission which is a pre-condition for grant of furlough".
4. Rule 1223 of DPR-2018 states that convict must fulfil following criteria:
 - i. Good conduct in the prison and should have earned rewards in last 3 Annual Good Conduct Reports and continues to maintain good conduct.
 - ii. The prisoner should not be a habitual offender.
 - iii. The prisoner should be a citizen of India.

Therefore, his furlough is rejected as he has not earned ACCRs as required in the rule.

The convict may be informed under proper acknowledgement.

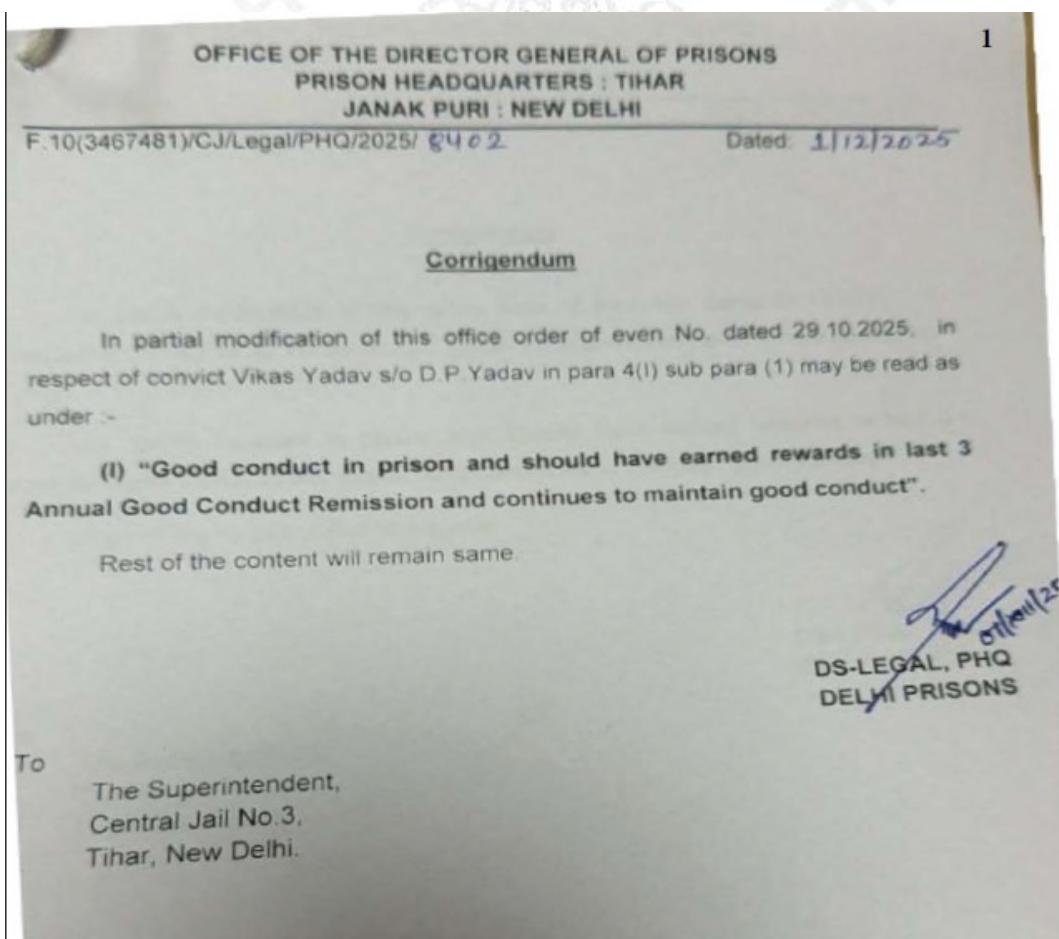
DS-LEGAL PHQ
DELHI PRISONS

The Superintendent

Central Jail No. 3,
Tihar, New Delhi.



7. On 01st December, 2025, the Office of the Director General of Prisons issued a corrigendum *vide* F.10(3467481)/ CJ/ Legal/ PHQ/ 2025/8402, partially modifying its order dated 29th October, 2025 by substituting para 4(l)(i) to read that the convict must have earned rewards in the last three Annual Good Conduct Remissions and continue to maintain good conduct, while the rest of the order remained unchanged. The corrigendum F.10(3467481)/ CJ/ Legal/ PHQ/ 2025/8402, is reproduced as under;





Submissions on behalf of the Petitioner:

8. Mr. Vikas Pahwa, learned senior counsel for the Petitioner submitted that the impugned order dated 29th October, 2025 rejecting the Petitioner's prayer by the Director General (Prisons) for furlough is manifestly arbitrary and suffers from non-application of mind. It was submitted that the rejection is founded solely on unsubstantiated apprehensions and an erroneous assumption that a sentence without remission disentitles a convict from furlough. It was emphasized that, the Petitioner has already undergone more than 23 years and 4 months of actual incarceration out of a sentence of 25 years, and his conduct in prison for over the last 12 years has been consistently satisfactory, as indicated in the Nominal Roll. Furthermore, during the period of interim bail granted by the Supreme Court from 24th April, 2025 to 08th September, 2025, there was no misuse of liberty or any adverse incident, thereby demolishing the basis of the apprehensions relied upon by the authorities.

9. Mr. Pahwa learned senior counsel, further submitted that the subsequent corrigendum dated 01st December, 2025 is legally unsustainable and amounts to a colourable exercise of power. Once the competent authority passed the rejection order, it became *functus officio* and could not have sought to supplement or cure the defects in the original decision. It was further submitted that the corrigendum was admittedly issued without placing the file before the competent authority and without affording any notice or opportunity of hearing to



the Petitioner, rendering it *void ab initio*. Such post decisional corrigendum, it was submitted, is impermissible in law and violative of the principles of natural justice, and therefore liable to be rejected.

10. Learned senior counsel placed reliance upon the judgment of the Supreme Court in *Atbir v. State (NCT of Delhi)*(2022) 13 SCC 96, in support of his submission, that furlough is an incentive for good conduct and is distinct from remission. It is submitted that the Supreme Court has authoritatively held that denial or ineligibility for remission does not operate as a bar to the grant of furlough, even in cases where the convict is required to remain in prison for the remainder of natural life. It was submitted that, this settled law was reiterated in *Sanjay Kumar Valmiki v. State (NCT of Delhi)2023 SCC OnLine Del 7335* by this Court while granting furlough to the petitioner therein. The said judgment, being binding under Article 141 of the Constitution, squarely governs the present case. Subsequent decisions of this Court, including *Jeet Dahiya v. State (NCT of Delhi)W.P.(Crl.) 2941/2023*, and *Jitender v. State (NCT of Delhi)2025 SCC OnLine Del 4854*, have consistently applied the ratio of *Atbir(supra)*, even after the amendment to the Delhi Prison Rules, 2018 [DPR, 2018], thereby reaffirming that the reformative object of furlough cannot be defeated by reliance on the nature of sentence or gravity of offence alone.

11. Furthermore, it was submitted that the security and threat perception has already been duly considered and addressed by the



Supreme Court while granting interim bail to the Petitioner and furlough to the co-accused Sukhdev Yadav on 25th June, 2025. During the extended period of interim bail of the petitioner, no untoward incident occurred, and the respondents continue to enjoy extensive security cover, which adequately mitigates any residual concerns. On the aforesaid grounds, it was prayed that the impugned order dated 29th October, 2025 and the subsequent corrigendum dated 01st December, 2025 be quashed, and the Petitioner be granted the first spell of furlough in accordance with law, as denial thereof infringes his fundamental rights under Article 21 of the Constitution of India.

Submissions on behalf of the Respondent nos. 1 and 2:

12. Mr. Mahajan, learned SPP for the respondent nos. 1 and 2 vehemently opposed the grant of furlough to the petitioner while submitting that the petitioner is not even eligible for grant of furlough under the DPR, in view of the sentence imposed upon him under Sections 302/34 IPC, which expressly mandates 25 years of actual imprisonment without consideration of remission. It was submitted that Rule 1223(I) DPR, as amended on 16th June, 2020, clearly requires that a prisoner must have earned rewards in the last three “Annual Good Conduct Remissions” as a pre-condition for furlough. Since the petitioner is ineligible for ordinary remission by virtue of the sentencing order, he cannot earn Annual Good Conduct Remission under Rule 1178. Further, it was clarified that Rule 1171, where remission is denied by a court without specifying the kind, all



kinds of remissions stand denied. Consequently, the petitioner fails to cross the statutory eligibility threshold under Rule 1223, rendering the petition liable to be dismissed at the outset.

13. It was further submitted that the corrigendum note dated 01st December, 2025 issued to the impugned order dated 29th October, 2025 is legally valid and merely corrects an apparent error by reproducing the amended and applicable rule correctly. The corrigendum does not amount to a review but only rectifies a typographical mistake whereby the word “Report” was replaced with “Remission.”. Reliance is placed on *Sakiri Vasu v. State of U.P.* (2008) 2 SCC 409, wherein the Supreme Court held that when a statute confers a power or jurisdiction upon an authority, it impliedly includes all incidental and ancillary powers necessary to effectively exercise that jurisdiction. In rebuttal to the contention of the petitioner that the authority had become *functus officio* is submitted to be misconceived, and further it was submitted that no principles of natural justice were violated since the Delhi Prison Rules do not contemplate any hearing prior to passing an order on furlough or a corrigendum thereto. The petitioner cannot claim any vested right based on an incorrect or unamended version of the rule.

14. Learned SPP submitted that reliance placed by the petitioner on *Atbir* (supra) is wholly misplaced, as the said judgment was rendered under a materially different rule position. At the relevant time in *Atbir* (supra), Rule 1223(I) referred to “Annual Good Conduct



Report" and not "Annual Good Conduct Remission." The Supreme Court itself noted the distinction between the two expressions and held that they could not be equated. The present case is governed by the amended rule, and therefore the ratio of *Atbir* (supra) is not applicable. The present case is squarely covered by the Division Bench judgment in *Vikas Yadav v. State* LPA 516/2018, wherein an identical eligibility condition requiring three Annual Good Conduct Remissions was interpreted, and furlough was denied to the petitioner on account of the bar on remission, a decision binding on the Single Bench.

15. It was lastly submitted, that even eligibility does not confer an absolute right to furlough, which remains discretionary in nature. The use of the word "may" in Rule 1221 DPR, read with Rules 1224 and 1235, makes it clear that furlough can be denied in the interest of society, security, and public order, particularly where the prisoner is considered dangerous or untrustworthy. The grant of furlough to the co-convict Sukhdev Yadav by the Supreme Court is distinguishable, having been passed in the light of pre-amended Rule 1223(I), and therefore cannot operate as a precedent.

Submissions on behalf of Respondent No. 3/Mrs. Neelam Katara:

16. Ms. Bhandari learned counsel for Respondent No. 3 opposed the furlough application, submitting that the impugned order dated 29th October, 2025 is well-reasoned and has been passed strictly in accordance with the DPR, 2018, and therefore does not warrant interference. It was submitted that the petitioner is ineligible for



furlough under Rule 1223 of the DPR, 2018, which mandates three annual good conduct remissions as a pre-condition. The petitioner, having been sentenced by judgment dated 06th February, 2015 to life imprisonment with a stipulation of 25 years actual imprisonment without consideration of remission, has admittedly completed only about 23 years of incarceration and is thus disentitled from earning any form of remission, including annual good conduct remission. Reliance is placed on the order dated 07th September, 2018 passed in LPA No. 516/2018 and the note appended to Rule 1171 of the DPR, 2018, clarifying that denial of remission without specification amounts to denial of remission of all kinds.

17. It is further submitted that the petitioner's ineligibility for furlough has been consistently affirmed by this Court, as evidenced by the fact that he has never been granted furlough during his long period of incarceration. It was emphasized that the reliance placed by the petitioner on the precedent of the Supreme Court in *Atbir* (supra) is misconceived, as the said judgment interpreted an earlier version of Rule 1223 which required three annual good conduct reports, whereas the amended rule, pursuant to notification dated 16th March, 2020, requires three annual good conduct remissions. It was further submitted that even if the petitioner were held eligible, furlough remains discretionary, and as held in *Atbir* (supra) itself, the competent authority must assess the parameters under the DPR, 2018 before granting furlough. It was furthermore submitted that the case of



the co-convict Sukhdev @ Pehalwan is clearly distinguishable, as he had completed the stipulated 20 years actual imprisonment without remission before being granted furlough by the Supreme Court.

18. Lastly, it was submitted that furlough is not an absolute right but a reward based on good conduct and reformation, and the petitioner's misconduct disentitles him from such relief. The petitioner's alleged misconduct includes breach of interim bail conditions, making false statements under oath, producing fabricated documents, attempting to mislead the Court, interfering with the administration of justice, and posing a threat to Respondent Nos. 3 and 4, who continue to be provided security till date. In view of the petitioner's conduct and the potential adverse repercussions of his release, it has been submitted that the denial of furlough is justified and calls for no interference.

Submissions on behalf of Respondent No. 4

19. The learned counsel for Respondent No. 4 submits that furlough is not an absolute right but a discretionary relief, governed by the DPR. Reliance is placed on Rules 2(17), 1199, 1220, 1223, 1224(ii) and 1235 of the DPR to contend that furlough is a reward for unblemished conduct and may be denied where the prisoner's presence in society is considered dangerous or prejudicial to public peace. The discretionary nature of furlough has been consistently affirmed by the Supreme Court in *State of Maharashtra & Anr. v. Suresh Pandurang Darvakar* AIR 2006 SC 2471 and *Asfaq v. State*



of Rajasthan & Ors.(2017) 15 SCC 55, as well as in *Atbir* (supra), wherein it was clarified that the said judgment confers only a right of consideration and does not dilute the discretion of the competent authorities.

20. It was further submitted that Respondent No. 4 is the sole independent prosecution witness in the Nitish Katara murder case, whose truthful testimony led to the conviction of the petitioner and his co-accused. The learned counsel highlighted the consistent findings of this Court and the Supreme Court regarding the intimidation, pressure, and traumatisation suffered by Respondent No. 4 at the hands of the petitioner, his family members, and associates, including repeated attempts at witness intimidation, filing of false and frivolous cases, and threats to life necessitating continuous security cover. Reliance was placed upon the Supreme Court judgment in *Bhagwan Singh v. State of U.P. & Ors.* 2024 SCC OnLine SC 2599, in support of his submissions about the threat perception.

21. Lastly, it was submitted that the petitioner's conduct, both during trial and thereafter, clearly disentitles him from any discretionary relief such as furlough. The petitioner and his family are alleged to have misused their influence to obstruct the justice delivery system, tamper with evidence, threaten witnesses, and mislead courts, including by breaching bail conditions and making false statements on oath, which are the subject matter of pending proceedings.

Analysis and conclusion:



22. The Court has considered the rival submissions and the material placed on record. Furlough is neither an absolute right nor a matter of course, it is a conditional, discretionary relief governed strictly by the Delhi Prison Rules, 2018. While furlough serves a reformative purpose, its grant is subject to statutory eligibility conditions and an overarching assessment of public safety, security, and the conduct of the convict. Judicial review under Article 226 is therefore limited to examining arbitrariness, perversity, or patent illegality in the decision-making process, and not to substitute the Court's view for that of the competent authority.

23. In the present case, the petitioner stands convicted for grave offences under Sections 302/34, 364/34 and 201/34 IPC, with his sentence under Section 302/34 IPC enhanced by this Court to life imprisonment meaning 25 years of actual incarceration without consideration of remission, a sentence upheld by the Supreme Court. The statutory consequence of such a sentence, read with Rule 1171 of the DPR, 2018, is that all forms of remission stand excluded during the stipulated period. The rule 1171 of the DPR 2018 reads as under;

“1171. Remission should be granted on the basis of an inmate’s overall good behavior during the stay in the Jail, willingness to take work while in custody, cooperation and help to the prison administration in prison management and general response to various institutional activities.

Note:- If any statute or the court in its order of sentence has denied the remission to the prisoner and



thereby not specified the kind of remission to be denied then all kinds of remission will be denied.”

24. The meaning of Remission and the concession of “Annual Good Conduct Remission” has been explained in the DPR 2018, as follows;

“1170. Remission is a concession, which can be granted by the Authorities as provided in these rules. The appropriate Government reserves the right to debar/ withdraw any prisoner, or category of prisoners from the concession of remission. The remissions may be withdrawn or forfeited if the prisoner commits specified Jail offences or conditions prescribed in the relevant order of remitting the sentence.

Kinds of Remission

1173. Remission will be of the following types:

- A) Ordinary Remission
- B) Annual Good Conduct Remission
- C) Special Remission
- D) Remission by Government

Ordinary Remission

1174. Authority to grant ordinary remission: The Superintendent of Prison or officer nominated by the Superintendent on his behalf, who shall not be below the rank of Additional Superintendent/Deputy Superintendent-I, is authorized to grant ordinary remission.

1175. Eligibility: The following types of convicted prisoners shall be eligible for ordinary remission:

- I. Prisoners having substantive sentences of two months and more,
- II. Prisoners, sentenced to simple imprisonment for two months or more, who volunteer to work,
- III. Prisoners employed on prison maintenance services, requiring them to work on Sundays and Holidays, e.g. sweeping, cooking etc, irrespective of the length & nature of their sentence i.e., simple or rigorous imprisonment



IV. Prisoners undergoing imprisonment in lieu of fine which immediately follows and is in continuation of the substantive sentence of not less than three months.

Note: It will be the responsibility of the prison administration to provide work to all eligible prisoners. If for any reason the prison administration fails to do so the prisoners, who are otherwise eligible for remission for work, should be granted it as per their normal entitlement under the orders of the Inspector General of Prisons.

1176. Non-Eligibility: *The following types of prisoners will not be eligible*

for ordinary remission:

I. Prisoners having substantive sentence of less than two months,

II. Prisoners sentenced in default of payment of fine only,

III. Prisoners whose sentence is reduced to less than two months (in such cases remission already earned, if any, should stand forfeited),

IV. Prisoners, who are convicted of an offence committed after admission to the prison under Sections: 147/148/152/224/302/304/304A/306/307/308/323/324/325/326/332/

333/352/353/376 or 377 of IPC or of an assault committed after admission to the prison on a warder or other officer or under any other law for misusing the concession of parole/furlough granted under that law.

V. Prisoners debarred from remission as punishment for committing prescribed prison offences,

VI. Prisoners specifically debarred from remission by the Government or the Inspector General of Prisons or under any law or rule;

VII. Prisoners undergoing sentence in the Narcotics, Drugs and Psychotropic Substances Act (NDPS) cases, provided they are convicted after the 29th May, 1989;



VIII. During out-periods which are not reckoned as part of sentence (being periods during bail, escape and other periods, which are treated as out-periods and not reckoned as part of sentence under specific orders of the Government issued in that behalf).

Annual Good Conduct Remission

1178. Any prisoner, *eligible for ordinary remission*, who for a period of one year from the date of his sentence, or the date on which he was last punished (except by way of warning) for a prison offence, has not committed any prison offence, should be awarded 30 days annual good conduct remission by the Superintendent of the Prison in addition to any other remission.

Explanation: - For the purposes of this rule, prison offences punished only with a warning, shall not be taken into account.”

25. In contrast to the present petitioner who has to undergo 25 years of uninterrupted sentence without remission, the co-convict, Sukhdev Yadav, was sentenced to 20 years of actual imprisonment without remission with a nominal fine of Rs.10,000/- and was granted furlough by the Supreme Court on 25th June, 2025 (*Annexure P-6*) only after completion of his entire stipulated sentence of uninterrupted incarceration. The Supreme Court, while granting furlough to the co-convict, specifically took note of the fact that he had completed the full period of incarceration as directed by this Court, which stood affirmed by the Supreme Court. The relevant extract makes it clear that the grant of furlough was premised on the completion of the sentence. In these circumstances, the principle of parity cannot be invoked by the present petitioner, as his mandatory requirement of 25



years of actual imprisonment remains unfulfilled, the relevant paragraphs of the order dated 25th June, 2025 read as under;

“ After hearing learned counsel for the parties and taking an overall view of the matter, more particularly the factum that petitioner has completed 20 years of uninterrupted incarceration without remission, as ordered by the High Court which was affirmed by the Supreme Court, we are of the view that it is a fit case where petitioner deserves to be released on furlough at least for a limited duration. Of course, necessary conditions would have to be imposed on the petitioner so that liberty of furlough is not misused. That apart, safety and security of respondent Nos. 2 and 3 are also required to be protected.

That being the position, we grant furlough to the petitioner for a period of three months from the date of release. Petitioner shall be produced before the learned Trial Court within a maximum period of seven days from today, whereafter the learned Trial Court shall release the petitioner on furlough on appropriate terms and conditions including concerning safety and security of respondent Nos.2 and 3.”

26. It is pertinent to note that the petitioner's reliance placed upon *Atbir* (supra) is misconceived. In *Atbir* (supra), the Hon'ble Supreme Court was interpreting the pre-amendment Rule 1223(I), which stipulated eligibility for furlough on the basis of "Annual Good Conduct Reports," and the Hon'ble Court consciously distinguished the same from "Annual Good Conduct Remission." The present case, however, is to be governed by the amended Rule 1223(I), which substitutes the earlier criterion by mandating the earning of "Annual Good Conduct Remission," thereby altering the statutory threshold for eligibility. Consequently, the ratio of *Atbir* (supra) cannot be mechanically applied so as to dilute or override the clear and



unambiguous mandate of the amended rule. Moreover, the Division Bench judgment of this Court in *Vikas Yadav* (supra), rendered in the petitioner's own case, squarely covers the field and continues to bind this Court, particularly in the context of furlough eligibility where the sentence expressly excludes remission.

27. In *Atbir* (supra), the Supreme Court was concerned with an order dated 21st October, 2019 passed by the Director General of Prisons rejecting the furlough application on the ground that the petitioner therein was barred from parole and remission pursuant to the decision of the Hon'ble President on a mercy petition. The adjudication in that case was thus rooted in the pre-2020 rule position, which required three "Annual Good Conduct Reports" for consideration of furlough. By contrast, the 2020 amendment consciously replaced the word "report" with "remission," thereby introducing a substantive change in the eligibility condition. In the present case, the Director General of Prisons, while issuing the corrigendum, rightly modified the order dated 29th October, 2025 by clarifying that paragraph 4, sub-paragraph (i), shall read as requiring "good conduct in the prison and that the prisoner should have earned rewards in the last three Annual Good Conduct Remissions and continues to maintain good conduct." The said clarification is in strict conformity with the amended statutory rule and leaves no scope for extending the benefit of *Atbir* (supra) to the petitioner.



28. Rule 1223(I), as amended with effect from 16th June, 2020, unequivocally prescribes earning rewards in the last three Annual Good Conduct Remissions as a condition precedent for consideration of furlough. The amended notification reads as under;

HOME (GENERAL) DEPARTMENT

NOTIFICATION

Delhi, the 16th June, 2020

No. F.18/71/2019-(HG)/1897-1905.—In the exercise of the powers conferred by section 71 of the Delhi Prison Act, 2000 (Delhi Act 2 of 2002), the Government of National Capital Territory of Delhi, as per approval of Hon'ble Minister (Home), makes the following rules to amend the Delhi Prisons Rules, 2018, namely:-

1. Short title and commencement: - (1) These rules may be called the Delhi Prisons (Fifth Amendment) Rules, 2020. (2) They shall come into force on the date of their publication in the Delhi Gazette.

2. Amendment of Rule 1223 (I):- In the Delhi Prisons Rules, 2018, for sub rule (I) of rule 1223, the following shall be substituted, namely:-

"I. "Good conduct in the prison and should have earned rewards in last 3 Annual Good Conduct Remission and continues to maintain good conduct."

By Order and in the Name of the Minister of Home Government of the National Capital Territory of Delhi,

M.K. AGGARWAL, Dy.Secy. Home

29. The petitioner admittedly cannot earn such remissions till his stipulated 25 years of actual imprisonment is undergone and therefore fails to satisfy the threshold eligibility under the applicable rule framework.

30. The challenge to the corrigendum dated 01st December, 2025 is equally untenable. The corrigendum merely corrects and aligns the impugned order with the amended and applicable rule position and does not amount to a substantive review or fresh adjudication. The doctrine of *functus officio* has no application where the authority merely rectifies an apparent error to reflect the correct statutory provision. No prejudice is shown to have been caused to the petitioner, nor do the Delhi Prison Rules contemplate a prior hearing before



issuance of such a corrigendum. Post-decisional clarification to bring an order in conformity with law cannot be characterised as arbitrary or violative of natural justice.

31. In *Ashfaq v. State of Rajasthan* (2017) 15 SCC 55, the Supreme Court held that furlough is a brief and conditional release granted to prisoners undergoing long-term imprisonment. It is to be noted that, it was further observed that furlough operates as a good conduct remission, and unlike parole, the period spent on furlough is not required to be undergone as part of the sentence. The relevant paragraph reads as under;

“14. Furlough, on the other hand, is a brief release from the prison. It is conditional and is given in case of long-term imprisonment. The period of sentence spent on furlough by the prisoners need not be undergone by him as is done in the case of parole. Furlough is granted as a good conduct remission.”

32. Even otherwise, eligibility for furlough does not translate into an enforceable right. The petitioner's antecedents, including the commission of the present offence while being on bail in another high-profile murder case, and threat perception, are relevant considerations under Rules 1224 and 1235 of the DPR, 2018. The discretion vested in the authorities to deny furlough in the interest of public order and safety has been exercised on germane considerations and cannot be termed perverse or irrational.

33. It is well settled that the objective of furlough is reformative and humanitarian in nature, intended to enable prisoners to maintain social and familial ties and to alleviate the rigours and monotony of



2026:DHC:1171



prolonged incarceration. However, such benevolent considerations cannot be invoked to dilute or bypass the explicit statutory requirements prescribed under the Delhi Prison Rules, which are binding and must be strictly complied with while considering any claim for furlough.

34. In view of the above facts and circumstances, this Court finds no arbitrariness, illegality, or violation of constitutional rights in the impugned order dated 29th October, 2025 or the corrigendum dated 01st December, 2025. The petitioner is statutorily ineligible for furlough under the Delhi Prison Rules, 2018, as amended in the year 2020 and, in any event, does not merit discretionary relief in the facts and circumstances of the case.

35. The writ petition is accordingly dismissed.

RAVINDER DUDEJA, J.

11th FEBRUARY, 2026/na

रायमेव जयदे