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

+ **W.P.(CRL) 704/2025 & CRL.M.A. 6514/2025**

KAMAL SINGH

.....Petitioner

Through: Mr. Utkarsh Singh, Advocate.

versus

STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Mr. Satinder Singh Bawa, APP.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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27.02.2025

CRL.M.A. 6515-16/2025

Exemption allowed, subject to just exceptions.

Applications stand disposed of.

W.P.(CRL) 704/2025 & CRL.M.A. 6514/2025

1. Writ Petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioner with the following prayers :

"A. Set aside the rejection Order dated 21.12.2023.

B. Consider the case of the Petitioner for premature release under the policy dated 16.07.2004 by passing a detailed order;

C. Issue a Writ, Order or direction in the nature of Mandamus to the State Government and direct the release of the petitioner under the policy of premature release dated 16.07.2004 forthwith."

Also, an application has been preferred on behalf of the petitioner seeking exemption from surrendering.



2. Issue notice. Learned APP for the State appears on advance notice and accepts notice.
3. Let reply be filed within three weeks with an advance copy to learned counsel for the petitioner.
4. Learned counsel for the petitioner submits that petitioner has undergone 18 years total sentence and more than 16 years actual sentence and despite being entitled for premature release under the Policy dated 16.07.2004 passed the Hon'ble Lt. Governor of NCT of Delhi, petitioner continued to languish in jail. He emphasizes that as per the said Remission Policy, the only requirement for consideration of premature release in cases involving single murder is that a convict must undergo 14 years of actual sentence.
5. Petitioner is further stated to have been granted furlough by the Competent Authority and was required to surrender on or before 14.09.2023. Learned counsel for the petitioner urges that the Hon'ble Apex Court vide order dated 31.01.2025, passed in Writ Petition (Criminal) No. 397/2023 titled as ***Chetan and Others vs. State (Govt. of NCT of Delhi)***, extended the time to surrender earlier granted by the Hon'ble Apex Court for a period of four weeks and permitted each petitioner therein to file separate writ petition before the High Court. He prays that exemption be granted to the petitioner from surrendering till the next date of hearing, since the petitioner is required to surrender on 28.02.2025.
6. On the other hand, learned APP for the State vehemently opposes the application seeking exemption from surrendering and submits that the application has only been filed at the fag end of expiry of the period of four weeks, granted by the Hon'ble Apex Court vide order dated 31.01.2025. He



further points out that vide order dated 31.01.2025, it was observed that no further extension shall be granted.

7. In the facts and circumstances, petitioner is directed to surrender before the Superintendent Jail on 28.02.2025 in the first instance, without prejudice to the rights and contentions of the petitioner.

List on 27.03.2025.

ANOOP KUMAR MENDIRATTA, J.

FEBRUARY 27, 2025/R