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

+ W.P.(CRL) 3679/2024

VIRENDER @ MINTU

.....Petitioner

Through: Mr.Siddharth Yadav and Mr.Prashant
Jain, Advocates

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Ms.Nandita Rao, ASC State with
SI Preeti

+ W.P.(CRL) 3729/2024

SURENDER @ KALWA

.....Petitioner

Through: Mr.Siddharth Yadav and Mr.Prashant
Jain, Advocates

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Ms.Nandita Rao, ASC State with
SI Preeti

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

29.11.2024

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1. By way of present petitions, the petitioners, who have been convicted in the trial pertaining to FIR No.119/2004 registered under Sections 302/392/394/34 IPC at P.S. South Rohini, Delhi, seek grant of first spell of furlough for a period of three weeks on the ground of marriage of their brother/cousin, *Ravi Kumar*.

2. While the petitioner/*Virender @ Mintu* claims to be the real brother, the petitioner/*Surender @ Kalwa* claims to be the cousin of *Ravi Kumar*.



The Status Report has been handed over in Court today, which is taken on record. The Status Report states that the enquiries were made from the petitioners' native village and the statements of the parents and neighbours of petitioner/Virender @ Mintu were recorded, who have verified the factum of the said marriage. A copy of the nominal roll has also been placed on record. As per which, the petitioners have been released on furlough on number of occasions.

3. Learned counsel for the petitioners has referred to Note-(1) of Rule 1224 of Delhi Prison Rules, 2018 which states that ordinarily, simultaneous furlough to co-accused convicts is not permissible. However, in exceptional cases where co-accused convicts are family members, they may be released on furlough simultaneously.

4. Indisputably, the petitioners are related to each other and seek release on furlough on account of marriage of their brother/cousin, the factum of which stands verified. In the peculiar facts of the case, the petitioners have been able to make out a case of exceptional circumstances.

5. Considering the aforesaid, the petitions are allowed and the petitioners are directed to be released on furlough for a period of three weeks from the date of their release, subject to their furnishing personal bonds in the sum of Rs.10,000/- each with one surety in the like amount to the satisfaction of the concerned Jail Superintendent/Duty J.M./concerned Court/Link J.M. and subject to the following conditions:-

- i) The petitioners shall not leave the Delhi NCR without prior permission of the concerned Court;
- ii) At the time of furnishing personal bonds, the petitioners would specify the mobile numbers, which they undertake to



keep operational during the period of their release;

iii) In case of change of residential address or contact details, the petitioners shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.

iv) The petitioners shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence;

v) The petitioners shall surrender upon expiry of the furlough period.

6. Petitions are disposed of in the above terms.

7. Copy of the order be communicated to the concerned Jail Superintendent for information and necessary compliance.

MANOJ KUMAR OHRI, J

NOVEMBER 29, 2024

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