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

+ **W.P.(CRL) 938/2025 & Crl.M.A. 8753/2025**

MOHD SOHAIB

.....Petitioner

Through: **Mr. Faraz Maqbool & Ms.
Deepshikha, Advocate**

Versus

STATE NCT OF DELHI

.....Respondent

Through: **Mr. Sanjay Lau, Additional
Standing Counsel with Mr.
Abhinav Kumar Arya & Mr.
Priyam Aggarwal, Advocates**

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
24.03.2025

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1. The present Writ Petition under Article 226 of the Constitution of India and Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed by the Petitioner seeking *furlough* for three weeks as already granted *vide* Order dated 18.12.2024, but he has not been released till due since the *Parole* for four weeks granted to co-accused *Annas vide* Order dated 06.07.2024 is being extended from time to time. Prayer is therefore, made that Petitioner be released on *furlough* in terms of Order dated 18.12.2024.

2. In support of above contentions, reliance is placed on Apex Court's decision in *Asfaq Vs. State of Rajasthan* (2017) 15 SCC 55, wherein guidelines have been issued for grant of *Parole* and this Court in *Ramesh @ Dudhiya Vs. State NCT of Delhi*, W.P.(Crl.) 1865/2024, dated



23.08.2024, dealt with the question whether an accused can be granted on *parole* when the co-convict is already on *furlough*. In the said decision this Court observed that Rule 1224 of the Delhi Prison Rules, 2018 only state that simultaneous *furlough* to co-convict is ordinarily impermissible but can be considered in exceptional circumstances. In view of the fact that brother of Petitioner therein was suffering from Tuberculosis in spine, directed his release on *Parole*.

3. Reliance is also placed upon decision of 23.08.2024 of this Court in W.P. (Crl.) 2461/2024, titled as *Dinesh Kumar Vs. State (NCT of Delhi)*.

4. In the present case, it is submitted that wife of the Petitioner's wife has to undergo blood dialysis as her kidneys have stopped functioning and he is required to take care of his wife and for this reason, Petitioner was granted *furlough* for three weeks *vide* Order dated 18.12.2024.

5. Considering that the rights of Petitioner to avail *furlough* which was granted in December, 2024 cannot be defeated and the ground that the *furlough* of co-convict is getting extended from time to time, Respondent-State is directed to forthwith release the Petitioner on *furlough* in terms of Order dated 18.12.2024.

6. With aforesaid directions, the present Petition and pending Application are accordingly disposed of.

NEENA BANSAL KRISHNA, J

MARCH 24, 2025

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