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

% ***Date of Decision: 28.10.2026***

\# **CNR No.DLHC010514442026**

\+ **W.P.(CRL) 3357/2026**

DINESH KUMAR @ KHALI .....Petitioner

Through: Mr. Siddharth Yadav and Mr. Anmol Kumar Pandey, Advocates.

versus

STATE (NCT OF DELHI) .....Respondent

Through: Mr. Amol Sinha, ASC (Criminal) along with Mr. Kshitiz Garg, Mr. Anshul Sharma, Mr. Nitish Dhawan and Mrs. Chavi Lazarus, Advocates.
SI Jug Pravesh, PS Mangol Puri.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (*Oral.*)

1. The petitioner, who is an inmate of Central Jail No.2, Tihar, New Delhi, serving his sentence of life imprisonment, seeks issuance of a writ in the nature of mandamus, granting him a third (3rd) spell of furlough for a period of two (2) weeks in FIR No. 185/2012, registered at P.S. Mangolpuri, under Sections 302/34 of the Indian Penal Code, 1860, and Sections 25(1B)(a)/27(1) of the Arms Act, 1959.

2. Issue notice.

3. Learned counsel, as aforesaid, accepts notice on behalf of the State.

4. It transpires that on an application preferred by the petitioner, the Competent Authority (Prisons), *vide* order F.10(3715167)/ CJ/ Legal/ PHQ/

2026/ 7657, dated 08.10.2026, granted to the petitioner the second (2nd) spell of furlough. The said order reads as under:

Sir,

This has reference to the application filed by convict **Dinesh Kumar @ Khali s/o Laxman Yadav** presently lodged in your jail, wherein he has requested to grant **2nd spell** of furlough of current conviction year for a period of **Two Weeks** as per Delhi Prison Rules 2018.

In this regard, I am directed to inform that the Competent Authority (Prisons) has considered and **pleased to grant 2nd spell** of Furlough to the above named convict for a period of **Two Weeks** from the date of his release subject to the following conditions :-

1. That he shall furnish **One surety of Rs.10,000/-** (Rupees Ten Thousand Only) alongwith a personel bond in the like amount for his release on Furlough to the satisfaction of the Superintendent, Central Jail No.2, Tihar.
2. That he shall maintain peace and good behavior during his period of release on Furlough.
3. That he will remain at his residence during the period of his release on furlough and his ordinary place of residence shall be :- R/o H. No. 164, P Block, Gali No. 8, Mangol Pun, New Delhi.
4. That he shall report at least once in a week to Police Station under which his ordinary place of residence falls, during the period of his release on furlough.
5. That he shall surrender to the Superintendent, Central Jail No.2, Tihar, New Delhi on the expiry of his period of release on furlough.

You are further requested to forward the copy of this order to all concerned as mentioned below and also inform the date of release/surrender of the aforesaid convict to this office.

ASSTT. SUPDT. LEGAL
PHQ, DELHI PRISONS

5. In terms thereof, the said period of furlough is about to expire, and it is submitted that the petitioner is required to surrender on 30.10.2026.

6. By an application dated 16.10.2026, addressed to (i) the Director General, Prisons, Prison Head Quarter, Central Jail Tihar, and (ii) the

Superintendent, Central Jail No. 2, Tihar, the petitioner sought a third (3rd) spell of furlough for two weeks on the ground that the petitioner's minor son is suffering from Mesenteric subcentimetric lymphadenopathy with persistent abdominal pain, nausea and fever, and that the petitioner needs to take care of his son and has to arrange for proper treatment. The said application has been appended as Annexure P-1 to the present petition.

7. Learned counsel for the petitioner, apart from reiterating the serious medical condition of the petitioner's minor son, has stated that the petitioner is the only adult member in the family who can arrange suitable treatment.

8. The legal position is well settled that the grant of furlough is a humanistic measure. The same has been affirmed by the Supreme Court in ***Asfaq v. State of Rajasthan*, (2017) 15 SCC 55**, in the following terms:

> `*18. **The provisions of parole and furlough, thus, provide for a humanistic approach towards those lodged in jails. Main purpose of such provisions is to afford to them an opportunity to solve their personal and family problems and to enable them to maintain their links with society**. Even citizens of this country have a vested interest in preparing offenders for successful re-entry into society. Those who leave prison without strong networks of support, without employment prospects, without a fundamental knowledge of the communities to which they will return, and without resources, stand a significantly higher chance of failure. **When offenders revert to criminal activity upon release, they frequently do so because they lack hope of merging into society as accepted citizens. Furloughs or parole can help prepare offenders for success**.*
>
> (emphasis supplied)

9. The aforesaid observation can be noted against the objectives of parole and furlough enunciated in Rules 1197 and 1200 of the Delhi Prison Rules, 2018, which are extracted hereunder:

> `*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 contact with family and the community sustains 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...

(emphasis supplied)

10. *Qua* the question of extension of furlough, reference may be made to the judgment, dated 21.07.2025, of the Coordinate Bench of this Court in ***Dinesh Kumar versus State of NCT of Delhi*****, W.P (Crl.) 684/2025**, wherein it has been observed as under:

`8. The Court has considered the submissions advanced by the Petitioner. Owing to the absence of any statutory provision for extension of furlough, the Court is unabl *request. In this background, Ms. Vrinda Bhandari, counsel for the Petitioner, on instructions, submits that instead the Petitioner be released on second spell of furlough and accordingly, seeks relaxation of Rule 13 of Standing Order 01/2019.*
9. The Respondents have highlighted the ***mandatory one-month interval between two furloughs as stipulated under Point 13 of Standing Order No. 01/2019****, issued by the Prison Headquarters.*

However, it is pertinent to note that Point 13 also permits relaxation of this requirement by the Competent Authority in cases involving emergent circumstances, including medical conditions affecting family members.

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12. ***It must be noted that the provision of furlough is a benevolent one and is designed for the welfare of prisoners. The provision has the intent of rewarding prisoners for their good behaviour, when traces of reformation can be seen in them.*** *Considering that the request for furlough is based on the bona fide grounds of deteriorating health, and in light of his own medical ailments, his request for second spell of furlough is allowed with effect from 25th July, 2025 on the same terms and conditions as order dated 5th June, 2025, passed by the Director General of Prisons, Prison Headquarters, Tihar.*

(emphasis supplied)

11. Therefore, the Standing Orders allow the relaxation of the cooling period in case of emergent circumstances. Furthermore, various Coordinate Benches of this Court have granted extension of furlough in multiple matters on various grounds, including due to medical exigency, such as: ***Jasbir Kaur v. State of NCT of Delhi*****, W.P. (Crl) 1793/2026** (19.06.2026), ***Ramesh Dudhiya v. State (NCT of Delhi)*****, W.P. (Crl) 2916/2026** (18.09.2026), and ***Pradeep Kumar @ Sonu v. State NCT of Delhi*****, W.P. (Crl) 2103/2026** (30.07.2026). Therefore, the legal position is also well settled that, in appropriate circumstances, this Court is empowered to extend the period of furlough.

12. Considering the facts and circumstances, the present petition is allowed.

It is directed that the petitioner shall be granted third (3rd) spell of furlough for a period of two weeks upon expiry of the second (2nd) spell of furlough. The third (3rd) spell of furlough shall be subject to the same terms and

conditions as set out in the previous order granting furlough.

13. The petitioner shall surrender before the concerned jail authorities on 13.11.2026.

14. The petition is disposed of in the above terms.

15. Let a copy of this order be sent to the concerned jail authorities for necessary compliance and information.

SACHIN DATTA, J

OCTOBER 28, 2026/r