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

\# **CNR No. DLHC010514692026**

\+ W.P.(CRL) 3361/2026 & CRL.M.A. 33583/2026

MAHESH @ VIKRAM .....Petitioner

Through: Mr. Anup Kr. Das, Mr. Nairit Bansal, Ms. Sunita Bansal and Ms. Medhavi Bansal, Advocates.

versus

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

Through: Mr. Sanjay Lao, Senior Advocate with Mr. Yudhvir Singh Chauhan, APP for State, Mr. Abhinav Kr. Arya and Mr. Aryan Sachdeva, Advocates. S.I. Rohit, P.S. Uttam Nagar.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 02.11.2026

1. This petition under Article 226 of the Constitution of India, read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"], seeks a writ of *mandamus* directing the Respondent to release the Petitioner on the second spell of furlough for the current conviction year, pursuant to the order dated 09th October, 2026, passed by the competent authority, whereby the Petitioner was granted furlough for a period of two weeks from the date of his release.

2. The grievance of the Petitioner is that, despite the grant of furlough, the Jail Authorities have not released him on the ground that one of his co-convicts is already out on furlough and is due to surrender on 14th November, 2026. The Respondent relies upon Note 1 to Rule 1224 of the Delhi Prison Rules, 2018, which provides that simultaneous furlough to co-accused convicts is ordinarily not permissible.

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3. The Petitioner is presently lodged in a semi-open jail. A perusal of Note 1 to Rule 1224 of the Delhi Prison Rules, 2018, indicates that although simultaneous furlough to co-accused convicts is ordinarily not permissible, the provision does not impose an absolute embargo on such release. The mere fact that one co-convict is already out of custody on furlough cannot, by itself, constitute an absolute bar to the release of another co-convict, particularly when the competent authority has already found the Petitioner eligible for furlough.

4. The Nominal Roll as on 10th June, 2025 has been perused. It reflects that the Petitioner has undergone approximately 12 years and 7 months of custody, including the period undergone as an undertrial, and has earned remission of around 2 years and 10 months. His jail conduct for the last one year as well as his overall conduct have been reported to be satisfactory. No other convicted or pending cases have been reported against him.

5. Having regard to the aforesaid, the Court finds no justification in withholding the Petitioner's release on furlough.

6. Accordingly, the Respondent is directed to release the Petitioner on the second spell of furlough for the current conviction year for a period of two weeks, in terms of the order passed by the competent authority on 09th October, 2026, subject to the terms and conditions stipulated therein.

7. With these directions, the present petition stands disposed of.

8. Copy of this order be sent to the concerned Jail Superintendent, for necessary information and compliance.

SANJEEV NARULA, J

NOVEMBER 2, 2026/*hc*

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