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

\# **CNR No. DLHC010522932026**

\+ W.P.(CRL) 3410/2026

DINESH KUMAR .....Petitioner

Through: Mr. Siddharth Yadava, Advocate.

versus

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

Through: Mr. Yasir Rauf Ansari, ASC for State with Mr. Alok Sharma, Ms. Sonia Malhotra and Mr. Pavitra Dixit, Advocates with ASI Neeraj Kaushik, ARSC Crime Branch.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

O R D E R

% 05.11.2026

1. The present writ petition has been filed seeking the following reliefs:-

> a) Issue a writ in the nature of Certiorari for quashing of order bearing no. F.10(3773023)/CJ/LEGAL/PHQ/2026/7736 dated 12.10.2026 passed by the respondent;
>
> b) Issue a writ in the nature of Mandamus granting simultaneous release on furlough to the petitioner with co-convict(s) in FIR NO. 256/2010, U/S 363/364-A/302/201/120B/34 IPC, P.S. Vikas Puri;

2. The petitioner was convicted by the Trial Court in FIR No.256/2010, registered at P.S. Vikas Puri, for offences under Sections 363/364-A/302/201/120B/34 of the Indian Penal Code, 1860, *vide* judgment dated 17th July 2019 and was sentenced to rigorous imprisonment for life *vide*

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order dated 5th September 2019.

3. The petitioner preferred an appeal before this Court, being Crl. A. No.l321/2019, against the aforesaid judgment on conviction and the sentencing order and the same was dismissed *vide* judgment dated 23rd December 2022.

4. The petitioner seeks simultaneous release on furlough with his co-convict on an urgent basis on account of the death of his cousin.

5. It is stated that the petitioner has completed more than 14 years of actual custody and more than 16 years with remission. It is further stated that the petitioner was granted the first spell of furlough for a period of three (3) weeks on 28th September 2026 by the State. However, the petitioner has not been able to avail his furlough despite the passage of time, as a co-convict is out.

6. The petitioner's application for grant of furlough has been rejected by the State *vide* order dated 12th October 2026. The relevant portion of the said order is set out below:

> *"1. As per the provision of para-1224 Note(1) of Delhi Prison Rules-2018 the request for simultaneous furlough to co-accused convicts are ordinarily not permissible. However, when co-accused convicts are family members, simultaneous release may be considered in exceptional circumstances only. But, the co-convicts of above said prisoners are not covered under blood relation category."*

7. It is stated that the petitioner's cousin brother passed away on 19th October 2026. The petitioner wants to be present with his family in this hour of grief. The death certificate has been attached as Annexure P-3 to the petition.

8. Notice in the present petition was issued *vide* order dated 30th October

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2026.

9. Status report has been filed on behalf of the State, wherein it has been verified that the petitioner's cousin has expired and the aforesaid death certificate was found to be genuine. It is stated that the co-convict Rahul Gupta has already been granted furlough for a period of three (3) weeks and he has been out of jail since 18th October, 2026.

10. In the facts and circumstances of the present case, a humanitarian and pragmatic approach is warranted. The period of three (3) weeks for which the co-convict has been granted furlough is also nearing its end, and any further delay in granting furlough to the petitioner would defeat the very purpose of the relief sought, particularly when the petitioner has already been granted the first spell of furlough by the State.

11. In the special circumstances as noted above, the order dated 12th October, 2026 is set aside and the petitioner is permitted to be released on furlough simultaneously with the co-convict for a period of three (3) weeks, as per the same terms and conditions mentioned in the order dated 28th September, 2026.

12. The petition stands disposed of.

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

AMIT BANSAL, J

NOVEMBER 5, 2026
at

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