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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: 07th August, 2026

CNR No. DLHC010319212026

+ **W.P.(CRL) 2156/2026 &CRL.M.A. 21577/2026**
MAHENDER SHARMA

.....Petitioner
Through: Mr. Jaiveer and Mr. Irshad,
Advocates.

versus

THE STATE NCT OF DELHI AND ORS

.....Respondent
Through: Mr. Yasir Rauf Ansari, ASC with Mr.
Alok Sharma, Ms. Pavitra Dixit,
Advocates with SI Ram Singh.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner seeks grant of parole.
2. He was held guilty for commission of offences under Sections 302/394/397/34 IPC and Section 25 of Arms Act, 1959 in relation to FIR No. 249/2009, registered at P.S. Saraswati Vihar.
3. He challenged the abovesaid order of conviction and sentence but his appeal was also dismissed by this Court in the year 2013.
4. The abovesaid order has already attained finality.
5. The petitioner had prayed for grant of parole and had, on one earlier occasion, filed a petition seeking similar relief. His such previous writ petition i.e. W.P (CRL) 1359/2026 was, however, disposed of by this Court on 27.04.2026, while directing the *Competent Authority* to decide his representation dated 10.10.2025 within four weeks.
6. Since there is no decision on his representation, the present petition has



been filed.

7. The Nominal Roll and status report have been placed on record.

8. During course of the consideration, learned ASC for respondent-State submitted that there is no embargo in grant of parole as the petitioner is, otherwise, found to be eligible. He does admit that with respect to the one suspicious activity, a punishment ticket was handed out to the convict on 13.05.2026 but there is no judicial appraisal till date with respect to the aforesaid jail offence as would be apparent from the status report filed today. He submits that the *Competent Authority* is already seized of the matter and the decision is likely, very shortly.

9. Fact, however, remains that considerable period has already elapsed and despite there being specific directions given by this Court, it is not made clear as to why there is delay in disposal of representation of the petitioner.

10. Petitioner relies upon observations made by this Court in *Lalit @ Lucky vs State of NCT of Delhi: 2025 SCC OnLine Del 6452*, wherein also when the parole request was not considered within the stipulated time-frame, this Court interfered and granted parole to the petitioner therein. Reference be made to para 4 to 8, which reads as under:-

“4. It is pertinent to note that on the earlier date i.e. 25.09.2025, it was noted that that as per Delhi Prison Rules, 2018, Parole Application has to be decided within a period of four weeks. The assurance had been given of its disposal despite which this Application has not been decided since July, 2025.

5. It has been repeatedly noted in number of cases that there is violation of the Delhi Prison Rules, 2018 with impunity by the concerned Authorities, who do not have any sensitivity towards the prisoners like Petitioners, who are suffering long incarceration. It is not realized that non-grant of Parole/Furlough within the fixed time frame, only results in unrest and defeats the very purpose of



Parole/Furlough, which is to enable them to establish family ties and to not fall into depression and stress because of long incarceration.

6. Such instances, which have been repeatedly demonstrated by the State agencies, only show their defiance to the very objective of introducing provisions of Furlough/Parole and have no respect or care for the prisoners and their mental and physical health. It also reflects that they are not cognizant that such long incarceration without break by way of Parole and Furlough, can in fact lead to a situation of indiscipline and anarchy in the Jail itself. In fact, Furlough/Parole is only to ensure that the discipline in the This is a digitally signed order.

7. It has been noted that many Orders have been passed by this Court directing the State Agency, to show some sensitivity but it seems that it is too tall a claim to ask from the Respondent, who sitting in their offices, have no respect/regard either for law or for the persons in Jail.

8. Considering that the Parole for four weeks, was sought not only for the physical and mental health of the Petitioner but also on account of the ill-health of his father, which is his right under the Delhi Prison Rules, 2018 and there is no circumstance brought on record, which disentitles him from claiming this relief, this Court is compelled to allow the Petition and grant four weeks' Parole to the Petitioner, on the following terms and conditions:-

- i. The petitioner shall furnish a personal bond in the sum of Rs.35,000/- with one surety of the like amount, to the satisfaction of the Jail Superintendent.*
- ii. The petitioner shall report to the SHO of the local area once a week on every Sunday between 10:00 AM to 11:00 AM during the period of furlough.*
- iii. The petitioner shall furnish a telephone/mobile number to the Jail Superintendent as well as SHO of local police station, on which he can be contacted, if required. The said telephone number shall be kept active and operational at all the times by the petitioner.*
- iv. The petitioner shall ordinarily reside at the address mentioned in the Petition.*
- v. Immediately upon the expiry of period of Parole, the Petitioner shall surrender before the Jail Superintendent."*

11. Petitioner had, lastly, availed parole in the year 2018. Undoubtedly, he



jumped the parole but surrendered after 25 days of the expiry of the parole period. Thereafter, he has never availed any parole and seeks parole to facilitate social and family reintegration.

12. Keeping in mind the overall facts and circumstances of the case and the fact that there is nothing to indicate that petitioner is not eligible for grant of parole, the parole is granted to him for four weeks, subject to the petitioner furnishing a personal bond in a sum of Rs.35,000/- with one surety of the like amount, who shall be a family member of the petitioner, to the satisfaction of the Jail Superintendent on the following terms and conditions:-

i The petitioner shall report to the SHO of the local area once a week on every Sunday between 10:00 AM to 11:00 AM during the period of parole.

ii The petitioner shall furnish a telephone/mobile number to the Jail Superintendent as well as SHO of local police station, on which he can be contacted, if required. The said telephone number shall be kept active and operational at all the times by the petitioner.

iii. The petitioner shall ordinarily reside at the address mentioned in the Petition.

iv. Immediately upon the expiry of period of Parole, the Petitioner shall surrender before the Jail Superintendent."

13. Petition stands disposed of in aforesaid terms.

14. Pending application also stands disposed of.

15. A copy of this order be given *dasti* under the signatures of the Court Master.

16. A copy of this order be also sent to Superintendent Jail for information and compliance.

(MANOJ JAIN)
JUDGE

AUGUST 7, 2026/sw/js