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

CNR No. DLHC010369382026

+ **W.P.(CRL) 2411/2026**

VIJAY@MONTY

.....Petitioner

Through: Mr. Zeeshan Diwan (DHCLSC) with
Ms. Ankita Yadav and Mr. Harsha
Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Rahul Tyagi, ASC (Crl.) with
Ms. Priya Rai, Mr. Sangeet Sibou,
Mr. Neeraj Paswan, Ms. Mansi Modi
and Mr. Priyansh Raj Singh,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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30.09.2026

1. The Petitioner is undergoing imprisonment for life pursuant to his conviction in FIR No. 780/2006, P.S. Mangol Puri, for offences under Sections 364A, 302, 201 and 34 of the Indian Penal Code, 1860. His appeal against conviction was dismissed by this Court on 8th September, 2014 and the Special Leave Petition preferred thereafter was also dismissed. As per the nominal roll dated 27th July, 2026, the Petitioner has undergone 18 years, 3 months and 23 days of actual incarceration and has earned remission of 3 years, 6 months and 4 days. His conduct, both for the preceding year and overall, is recorded as satisfactory.



2. The present petition assails the order dated 25th June, 2026 by which the Petitioner's request for four weeks' parole, sought for maintaining social and family ties, has been declined. The Competent Authority has relied upon Rule 1211(x) of the Delhi Prison Rules, 2018,¹ which places a prisoner convicted of murder after kidnapping for ransom in the category where parole is ordinarily not to be granted, except where the Competent Authority finds that special circumstances exist.

3. Mr. Zeeshan Diwan, counsel for the Petitioner, submits that Rule 1211 does not impose an absolute bar and, by its own terms, preserves a discretion in favour of a prisoner where special circumstances exist. He contends that the present case warrants exercise of that discretion having regard to the Petitioner's long period of incarceration, satisfactory jail conduct, absence of any prison punishment, and, importantly, his record of having availed parole, emergency parole and furlough on several occasions without any misuse of liberty or default in surrender. It is further urged that his residential address stands verified and there is no adverse material suggesting that his temporary release would prejudice public order or the administration of justice. According to Mr. Diwan, these circumstances could not have been brushed aside merely by referring to the nature of the conviction. Reliance is placed on *Rakesh v. State (NCT of Delhi)*², *Rahul Gupta v. State (NCT of Delhi)*³, *Ajeet Singh v. State (NCT of Delhi)*⁴ and *Virender Kumar @ Mintu v. State*⁵, to submit that prolonged incarceration is a significant consideration while examining a request for parole.

¹ "the Rules"

² 2022 SCC OnLine Del 1346

³ W.P.(CrL) 996/2023 (DHC), decided on 12th September, 2023.

⁴ W.P.(CrL) 504/2025 (DHC), decided on 16th May, 2025.



Reference is also made to *Asfaq v. State of Rajasthan*⁶ and *State of Haryana v. Mohinder Singh*⁷ to emphasise the reformatory purpose of temporary release and the need to enable a prisoner to maintain family and social ties. The impugned order, it is argued, does not reflect consideration of any of these circumstances.

4. Mr. Rahul Tyagi, ASC for the State, submits that the argument overlooks the additional threshold which Rule 1211 deliberately creates for the categories of prisoners specified therein. The fact that the Rule does not impose an absolute prohibition, according to him, does not mean that the ordinary considerations governing parole are sufficient to cross that threshold. The Petitioner seeks parole only to maintain social and family ties and does not point to any circumstance peculiar to his case, such as a medical or family emergency or a legal necessity requiring his presence outside prison. Long incarceration, it is argued, is an incident of every lengthy sentence and cannot, without something more, be converted into a “special circumstance” so as to dilute the restriction contained in Rule 1211(x). The State further emphasises that parole is discretionary and, unlike furlough, is ordinarily granted upon sufficient cause being shown. Reliance is placed on *State of Maharashtra v. Suresh Pandurang Darvakar*⁸, *Asfaq v. State of Rajasthan*, *State of Gujarat v. Narayan*⁹ and *Mohd. Faruque Alwander @ Farukh @ Genda v. State GNCT of Delhi*¹⁰. In particular, it is urged that *Asfaq* only cautions against a blanket denial of

⁵ 2016:DHC:3806-DB

⁶ (2017) 15 SCC 55

⁷ (2000) 3 SCC 394

⁸ (2006) 4 SCC 776

⁹ 2021 INSC 653

¹⁰ W.P.(Crl.) 1431/2025 (DHC), decided on 13th July, 2026.



parole on the basis of the offence alone; it does not dispense with the requirement of showing a special circumstance where the applicable Rules expressly require one.

5. The rival submissions raise a short question: whether, in a case governed by Rule 1211(x), prolonged custody, satisfactory conduct and the wish to maintain family and social ties, without more, constitute the “special circumstances” required by that Rule. Long incarceration is plainly relevant to the consideration of parole, but that does not by itself answer the question.

6. The said question is required to be examined in the light of a conjoint reading of Rules 1208, 1210 and 1211. Rule 1208 identifies the grounds on which parole may be considered, including, under clause (vii), the maintenance of family and social ties. Rule 1210 prescribes the conditions of eligibility, which include the requisite period of custody, good prison conduct and absence of any offence or violation during an earlier release on parole or furlough. Rule 1211 then places an additional restriction upon the categories of prisoners specified therein: parole “shall not be granted” unless the Competent Authority, in its discretion, finds that special circumstances exist. Clause (x) expressly includes a prisoner convicted of murder after kidnapping for ransom.

7. These provisions perform different functions. Rule 1208 states the grounds on which parole may be sought. Rule 1210 determines eligibility. Rule 1211 goes a step further and requires special circumstances where the prisoner falls within one of the categories specified in it. The desire to maintain social ties, which is already recognised by Rule 1208(vii), and the conduct expected of an eligible prisoner under Rule 1210 cannot automatically satisfy Rule 1211. To hold otherwise would leave the



additional restriction with little independent content.

8. What may amount to a “special circumstance” cannot be exhaustively stated and will necessarily depend upon the facts of each case. The circumstance need not be catastrophic or unprecedented. There must, nonetheless, be something which takes the case beyond an ordinary application by an otherwise eligible prisoner. Without that distinction, the exception would swallow the restriction.

9. Length of incarceration, taken alone, presents the same difficulty. Long custody is not an unusual circumstance in the case of a prisoner serving a life sentence. Were the completion of a particular number of years enough, by itself, to satisfy Rule 1211(x), the Rule would effectively operate as a waiting period. The Rules prescribe no such period, and the Court cannot create one by interpretation.

10. *Asfaq* does not lead to a different conclusion. The Supreme Court recognised the reformatory purpose of parole and furlough and the relevance of prolonged incarceration. It also cautioned against treating conviction for a serious offence, by itself, as a permanent disqualification from temporary release. At the same time, the judgment recognises the competing interest of society and the need for closer scrutiny in cases involving serious offences. A Division Bench of this Court in ***Sandeep @ Sandy v. State (Govt. of NCT of Delhi)***¹¹ has recently reiterated the need to balance these considerations while considering the statutory scheme governing parole and furlough. *Asfaq* cannot, however, be read to dispense with an additional condition expressly imposed by the applicable Prison Rules.

11. *Rakesh v. State (NCT of Delhi)* describes continuous incarceration as



a “significant factor”. There can be no quarrel with that proposition. A significant factor, however, does not invariably become the “special circumstance” required by Rule 1211. The parole sought in *Rakesh* was also for pursuing an SLP, besides maintaining social ties. While allowing the petition, the Court took into account that the prisoner had remained in custody for more than eight years without having earlier availed bail, parole or furlough, had maintained satisfactory conduct, and that there was no material suggesting that he would abscond, reoffend or interfere with witnesses. The decision does not hold that the duration of imprisonment, standing alone, satisfies Rule 1211.

12. *Rahul Gupta* is closer on facts, since the prisoner there had also been convicted under Sections 364A and 302 IPC and Rule 1211(x) applied directly. The Court, however, expressly treated the proposed filing of an SLP as the “special circumstance” under Rule 1211. His long custody, satisfactory conduct and timely surrender after interim bail were additional considerations supporting release. A similar distinction appears in *Ajeet Singh*. There too, filing of an SLP was specifically treated as the special circumstance, apart from the medical circumstances concerning the prisoner.

13. The observation in *Virender Kumar @ Mintu*, that a prisoner who has undergone long incarceration ought to be released for a month to re-establish social ties, must be read in its context. That decision was rendered in May 2016, before the Delhi Prison Rules, 2018 came into force. Its broad formulation cannot determine the meaning of a restriction introduced subsequently, much less be used to render that restriction largely ineffective.

14. *Mohd. Faruque Alwander* arose in materially different circumstances.

¹¹ 2026:DHC:3601-DB



The prisoner was a foreign national, had been convicted in multiple criminal cases, his overall jail conduct was unsatisfactory and the Superintendent had not recommended his release on parole. The case is therefore not factually comparable. Its narrower proposition is nonetheless relevant: long incarceration does not, by itself, entitle a prisoner to parole when the applicable Rules impose an additional restriction. That proposition accords with the scheme of Rule 1211.

15. *Atbir v. State (NCT of Delhi)*¹² does not advance the matter further. The said case concerned the grant of furlough under the Delhi Prison Rules, 2018. The appellant therein was serving a sentence of imprisonment for the remainder of his natural life, without parole or remission, pursuant to the order passed by the President of India. The Supreme Court held that the said order could not, by itself, operate as a bar to consideration of the appellant's entitlement to furlough under the Rules. The Court, however, was not called upon to examine the scope of "special circumstances" for the grant of parole under Rule 1211. Significantly, while distinguishing furlough from parole, the Court observed that conduct is not a decisive factor in the grant of parole and that the question of parole predominantly turns upon the existence of some cause or event.

16. The present case discloses no additional circumstance of the kind required by Rule 1211(x). The Petitioner sought parole to re-establish social and family ties. That is undoubtedly a legitimate ground and is expressly recognised by Rule 1208(vii). His application, however, refers to no particular family event, medical situation, legal necessity or other fact which gives that ground a special character in his case. The writ petition does refer



to his aged and ailing parents, but no particular illness, emergency or need concerning them is stated to be the reason for which parole is sought.

17. The Petitioner's long custody, satisfactory conduct and record of timely surrender have all been taken into account. Long incarceration undoubtedly strengthens the rehabilitative considerations underlying the Rules and gives weight to the need for continued contact with family and society. Satisfactory prison conduct and faithful surrender after earlier releases, on the other hand, bear upon eligibility and the likelihood of misuse of liberty. Rules 1210(ii) to (iv) themselves recognise the latter considerations. All of these factors may favour the Petitioner, they do not, however, supply the "special circumstances" additionally required by Rule 1211(x).

18. The Petitioner's argument may also be viewed from another angle. To the extent it is suggested that Rule 1211(x) should cease to operate merely because a prisoner has undergone a sufficiently long period of custody, the submission travels beyond identifying a special circumstance in an individual case and, in substance, questions the continued operation of the Rule itself. No challenge to Rule 1211(x), or to the classification made by it, is before the Court. The Rule must therefore be applied as it stands. Its exception cannot be enlarged to a point where the restriction preceding it loses practical effect. If the Petitioner is aggrieved by the Rule itself, it is open to him to assail its validity, if so advised and in accordance with law. Nothing stated in this order expresses any view on such a challenge.

19. The impugned order is undoubtedly brief, and an order exercising discretion under Rule 1211 would ordinarily be expected to disclose why the

¹² (2022) 13 SCC 96



circumstances relied upon do, or do not, meet the threshold prescribed by the Rule. That deficiency, however, does not warrant a remand in the present case. The ground recorded before the Competent Authority was the maintenance of social and family ties. Before this Court, the Petitioner has additionally relied upon his long incarceration, satisfactory jail conduct and history of timely surrender. Each of these circumstances has been considered above and, whether individually or cumulatively, does not furnish the additional circumstance required by Rule 1211(x) on the facts of this case. A remand merely for reconsideration on the same material would therefore serve no useful purpose.

20. Thus, long incarceration, satisfactory prison conduct and timely surrender do not, whether viewed separately or together, constitute the special circumstance contemplated by Rule 1211(x) in the facts of the present case.

21. The petition is accordingly dismissed.

22. This order will not preclude the Petitioner from applying afresh if a circumstance subsequently arises which warrants consideration under Rule 1211. It will also not prevent him from availing such remedy as may be open in law against Rule 1211(x) itself, if so advised.

SANJEEV NARULA, J

SEPTEMBER 30, 2026

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