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

CNR No. DLHC010406132026

+ **W.P.(CRL) 2627/2026 & CRL.M.A. 26669/2026**

JITENDER ALIAS RAJU

.....Petitioner

Through: Ms. Sunita Arora, Adv.
versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Sr. Adv. with Mr.
Manoj Pant, APP, Mr. Abhinav Kumar
Arya, Ms. Priyam Agarwal, Mr. Aryan
Sachdeva, Advs.
SI Avaneesh Kumar, PS Krishna
Nagar

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

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31.08.2026

1. This hearing has been done through hybrid mode.
2. The present petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the "BNSS") has been filed by the petitioner seeking quashing of order dated 06.05.2026, whereby his request for grant of parole was rejected, and seeking his release on parole for a period of six weeks.
3. The petitioner stands convicted in FIR No.85/2018, registered at Police Station Krishna Nagar, for offences under Section 354 IPC and Section 8/12 of the POCSO Act. He was sentenced to undergo Rigorous Imprisonment for six years along with fine by the learned ASJ (POCSO), East District, Karkardooma Courts, Delhi, vide order dated 13.12.2023. The Criminal



Appeal preferred by the petitioner against his conviction has also been dismissed by this Court on 12.09.2024.

4. The petitioner applied for grant of parole for six weeks, *inter alia*, to maintain family and social ties and to pursue the filing of a Special Leave Petition before the Hon'ble Supreme Court against the judgment passed by this Court. The said request came to be rejected *vide* order dated 06.05.2026 primarily on the ground that the petitioner has been convicted under the POCSO Act and that the police authorities did not recommend grant of parole.

5. Learned counsel for the petitioner submits that the petitioner has already undergone about two years and seven months of actual incarceration; his conduct in jail is satisfactory and he is presently working as a Langar Sahayak. It is further submitted that no punishment, major or minor, has been awarded to him during incarceration and he has no previous criminal involvement. Learned counsel submits that the petitioner wishes to effectively pursue his legal remedy before the Hon'ble Supreme Court through a counsel of his choice.

6. In ***Neeraj Bhatt v. State (Govt. of NCT of Delhi)***, 2023 SCC OnLine Del 32, this Court observed that the bar contained in Rule 1211 of the Delhi Prison Rules, 2018 is not absolute and that special circumstances have to be considered in each individual case.

7. The aforesaid view has also been reiterated in ***Mohd. Iqbal v. State (NCT of Delhi)***, W.P.(CRL.) 3419/2025, and other decisions relied upon by the petitioner, including ***Sanjay v. State (NCT of Delhi)***, W.P.(CRL.) No. 837/2020 and ***Gautam v. State (GNCTD)*** W.P. (Crl.) 2063/2020, wherein the Courts have recognized that pursuing a Special Leave Petition before the Hon'ble Supreme Court may constitute a "special circumstance" for the



purposes of Rule 1211.

8. Rule 1211 undoubtedly provides that parole shall ordinarily not be granted to a prisoner convicted under the POCSO Act. However, the Rule itself carves out an exception where, in the discretion of the competent authority, special circumstances exist for grant of parole. Thus, the restriction is not an absolute bar. The right of a citizen to effectively pursue his legal remedy before the highest Court of the country through a counsel of his choice cannot be rejected in a mechanical manner merely on the ground that the prisoner has been convicted under the POCSO Act or that the legal remedy can be pursued from jail.

9. Having regard to the facts and circumstances of the present case, particularly the purpose for which parole is sought, the petitioner's reported satisfactory jail conduct and the fact that the petitioner seeks to pursue his legal remedy before the Hon'ble Supreme Court, this Court is of the considered view that a case for grant of parole is made out.

10. Accordingly, the petitioner is directed to be released on parole for a period of six weeks from the date of his release, subject to the following conditions:

- (i) The petitioner shall furnish a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the Jail Superintendent;
- (ii) The petitioner shall reside at the address mentioned in the memo of parties and shall not leave the jurisdiction of the concerned Police Station without prior permission;
- (iii) The petitioner shall report to the SHO concerned once every week on a date and time to be specified by the SHO, and shall



not be detained for more than one hour for the said purpose;

(iv) The petitioner shall provide his mobile number to the concerned Jail Superintendent as well as the SHO and shall keep the same operational at all times;

(v) The petitioner shall not directly or indirectly contact, influence or approach the prosecutrix or any prosecution witness; and

(vi) Upon expiry of the period of parole, the petitioner shall surrender before the concerned Jail Superintendent.

11. The petition is disposed of in the aforesaid terms.

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

13. The order be uploaded on the website *forthwith*.

MADHU JAIN, J

AUGUST 31, 2026/P