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

CNR No. DLHC010682192025

+ **W.P.(CRL) 2970/2025**

UMAKANT ALIAS ANIL KUMAR

.....Petitioner

Through: Mr. Samarth Krishan Luthra, Ms. Ragini Nagpal, Mr. Arjun Chopra, Mr. Manoviraj Singh, Mr. Yash Sharma & Ms. Tishya Shekhar, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Rahul Tyagi, ASC (Crl) with Mr. Sangeet Sibou, Ms. Priya Rai, Mr. Avinash Kumar Singh & Mr. Priyansh Raj Singh, Advs. for State. Insp. Kishore Kumar PS South Rohini.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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21.08.2026

1. This is a writ petition challenging the order no. F2/SCJ-2/AS(CT)/2025/3735 dated 30.07.2025 issued by Jail Superintendent, Central Jail no. 02, Tihar by which the prayer of the petitioner to include the period from 28.04.2020 to 20.11.2021 as custody has been declined by the Jail Superintendent.
2. Learned counsel for the petitioner has placed reliance on a decision



passed by this Court vide order dated 14.11.2025 in W.P.(CRL) 645/2024 in SONU DAHIYA vs. STATE NCT OF DELHI and contends that the case of the petitioner is almost similarly situated case. He thus contends that the period of 1 year 6 months of the emergency parole deserves to be counted for the purpose of his sentence.

3. Paragraph 12 to 17 of the said decision is extracted as under:

“12. COVID-19 pandemic struck the entire world and the lockdowns were announced in Delhi from time-to-time w.e.f. 27.03.2020. The Petitioner has been in judicial custody since 05.03.2014 and has been undergoing his sentence of life under Sections 302/201 IPC. Delhi Govt. issued a Notification dated 23.03.2020 constituting HPC, which decided to release the prisoners on emergency Parole and pursuant thereof, prisoners of various categories were released. Moreover, it had been decided that the period for which the prisoners are released on emergency Parole shall be counted as period undergone in their substantive sentence.

13. In the present case, it is not denied that the Division Bench of this Court vide Order dated 22.06.2020 had granted interim suspension of sentence to Petitioner Sonu Dahiya for three weeks. Admittedly, as is evident from the Nominal Roll, he was released on Parole from 24.06.2020 till 14.07.2020 (i.e. three weeks), but thereafter, the Bail was extended from time to time till 15.03.2021 and he surrendered on the said date. Petitioner was again admitted to Interim Bail by this Court from 05.08.2021 to 26.08.2021 (i.e. three weeks), which was extended till 20.11.2021.

14. After the exhaustion of his interim Parole from 15.07.2020 till 15.03.2021 and from 26.08.2021 till 20.11.2021, the Petitioner was unable to surrender purely on account of the emergency Parole, which had been granted pursuant to the Notification dated 27.03.2021 issued by Delhi Government.



15. As per Clause 3 of Notification dated 27.03.2021, it was decided that the grant of eight weeks emergency parole, shall be counted towards the sentence of the prisoners. Furthermore, Clause 5 of the said Notification observed that those convicts, who are out on furlough/parole, would be granted eight weeks' emergency Parole. The remaining portion of their ongoing furlough/parole would be treated as suspended/lapsed on grant of emergency Parole.

16. Because the situation did not improve, these emergency Paroles, so granted to the prisoners, were extended from time to time. Therefore, the period from 14.07.2020 till 15.03.2021 and from 26.08.2021 till 20.11.2021 (i.e. 10 months and 27 days) is liable to be counted as emergency Parole, benefit of which must be given to the Petitioner Sonu Dahiya by counting it towards his period of sentence.

17. It is therefore, directed that benefit of this period of 10 months and 27 days be granted to the Petitioner in counting his period of sentence."

4. In view of the aforesaid, the case of the petitioner requires to be reconsidered on the anvil of the decision cited by the petitioner and the decision shall be taken within a period of three months from the date of receipt of copy of the order passed today.

5. Liberty is granted to the petitioner to file fresh petition in case the grievance is not fully mitigated.

PURUSHAINDRA KUMAR KAURAV, J

AUGUST 21, 2026

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