



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

% *Date of decision: 12<sup>th</sup> October, 2023*

+ **W.P.(CRL) 2462/2022**

SONU

..... Petitioner

Through: Mr.DhanMohan, Ms.Ravi Mishra,  
Mr.Ratnesh Kumar, Ms.Tanish Bhatia  
and Ms.Pooja Lalan, Advocates.

versus

THE STATE GNCT OF DELHI

..... Respondent

Through: Ms.Rupali Bandhopadhyia, ASC with  
Mr.Akshay Kumar and Mr.Abhijeet  
Kumar, Advocates for State with SI  
Nitesh Mahiya, PS. S.P.Badli.

**CORAM:**

**HON'BLE MR. JUSTICE AMIT BANSAL**

**AMIT BANSAL, J. (Oral)**

1. The present petition is filed on behalf of the petitioner under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (CrPC) for grant of parole for a period of 04 weeks.
2. The petitioner was convicted in FIR No. 403/2006 under Sections 302/307/34 of the Indian Penal Code, 1860 (IPC) read with Sections 25/54/58 of the Arms Act, 1959 registered at Police Station S.P. Badli.
3. Vide judgment of conviction dated 21<sup>st</sup> May, 2011 passed by the learned Additional Sessions Judge, Rohini Courts, the petitioner was convicted for offences under Sections 302/307/34 of the IPC and vide order

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on sentence dated 24<sup>th</sup> May, 2011, the petitioner was awarded life imprisonment for offences under Sections 302/34 of the IPC and rigorous imprisonment of three years for offence under Section 307 of the IPC.

4. Vide order dated 24<sup>th</sup> November, 2022, the application for grant of parole filed by the petitioner was rejected by the competent authority by placing reliance on Rule 1210 sub rules (II), (III) and (IV) of the Delhi Prison Rules, 2018. The relevant extracts from the rejection order are set out below:-

*"1. The convict is not entitled for parole in view of **Rule 1210 sub rule (II), (III) & (IV) of Delhi Prison Rules-2018**, which states that:-*

***Rule 1210 sub rule (II):- "The conduct of the Prisoner who has been awarded major punishment for any prison offence should have been uniformly good for last two years from the date of application and the conduct of Prisoner who has been awarded minor punishment or no punishment for any prison offence in prison should have been uniformly good for last one year from the date of application".*** In this case, as per nominal roll, said convict has been awarded punishment dated 12.05.2022 (Phone & Canteen facility was stopped for 15 days), which is a major punishment as per Rule 1271 of Delhi Prison Rules 2018.

***1210 sub rule (III):- "During the period of release on parole or furlough, if granted earlier, the convict should not have committed any crime".***

***1210 sub rule (IV):- "The convict should not have violated any terms and convictions of the parole or furlough granted previously".*** In this case, he jumped parole w.e.f. 26.11.2012 and re-arrested on 20.04.2014. Again, he was released on 10.04.2020 on 08 weeks of Emergency Parole which was



*further extended for the period of 08 weeks and the date of surrender was fixed for 01.08.2020 but the said convict was arrested in a fresh case FIR No. 177/2020, PS-Begumpur and send to jail on 14.06.2020.*

*2. Further, as per nominal roll, last one year jail conduct and overall jail conduct of the above said convict is reported to be unsatisfactory. One case is also pending against the said convict. His one co-accused namely Rajesh S/o Charan Singh has jumped parole on 04.08.2017 from C-13.”*

5. Counsel for the petitioner submits that in respect of the misconduct of the petitioner in Jail, he has already been awarded punishment, in terms of which his phone and canteen facilities were stopped for 15 days. Therefore, parole cannot be denied on this basis. Reliance has been placed on the judgment dated 6<sup>th</sup> January 2023, passed by the Coordinate Bench of this Court in W.P.(CRL) 29/2023 titled as **Parsu Ram v. State (GNCT of Delhi)**.

6. Counsel for the petitioner submits that the petitioner has already been in custody for a period of 17 years. It is stated that the petitioner has been granted parole/furlough on several occasions and he has duly surrendered in time after the completion of the said period.

7. As regards the petitioner having violated terms and conditions of the parole granted earlier and having committed an offence while being out on parole, the counsel for the petitioner submits that the petitioner has been granted bail in that case by the learned ASJ. It is further stated that conduct of the petitioner in the last 1 year has been satisfactory and no punishment has been awarded.

8. Learned ASC appearing on behalf of the State opposes grant of parole on account of the aforesaid conduct of the petitioner and in view of Rule



1210 sub rules (II), (III) and (IV) of the Delhi Prison Rules, 2018.

9. I have heard the counsels for the parties and perused the material on record.

10. As per the Nominal Roll on record, the petitioner has been sentenced to life imprisonment for offence under Sections 302/34 of the IPC and a sentence of 3 years for offence under Section 307 of the IPC. The petitioner has already spent more than 17 years in custody (including remission).

11. A perusal of the Nominal Roll discloses that the petitioner had jumped parole on 26<sup>th</sup> November, 2012 for which he was re-arrested on 20<sup>th</sup> April, 2014. This event happened almost 10 years back and after that, the petitioner has been granted furlough as well as parole on various occasions and he has duly surrendered in time.

12. The other ground for rejection of parole is that when the petitioner was out on parole, another FIR was registered against the petitioner being FIR No.177/2020 under Section 336 of the IPC registered at Police Station Begum Pur for which the petitioner was arrested on 14<sup>th</sup> June, 2020. However, in respect of the said offence, the petitioner has been granted bail on 8<sup>th</sup> July, 2020.

13. As regards the misconduct of the petitioner in jail, the petitioner was awarded punishment of 15 days on 12<sup>th</sup> May, 2022 by the Jail Authorities for assaulting another inmate. The punishment of 15 days awarded to the petitioner in the aforesaid misconduct was reduced to 1 week by the learned Principal District and Sessions Judge on 26<sup>th</sup> July, 2022.

14. In **Parsu Ram** (supra), the Coordinate Bench of this Court was considering grant of parole to a convict who had been awarded multiple



punishments in Jail and reliance was placed on Rule 1210 sub rules (II) by the State. Taking note of the fact that the overall conduct of the petitioner for the last 1½ years was satisfactory, the petitioner therein was granted parole.

15. The Status Report also records that the conduct of the petitioner during the last 1 year has been satisfactory and he has been working as a *Sahayak* at the *langar*/kitchen and his work performance is satisfactory.

16. Considering the aforesaid facts and circumstances, the present petition is allowed and the petitioner is granted parole for a period of 4 weeks, from the date of release, upon furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the Trial Court and further subject to the following conditions:-

- i. During the period that the petitioner remains out on parole, the petitioner shall report to the Station House Officer (SHO) of the local area, once a week on every Saturday at 10:00 AM. The SHO concerned will not be kept waiting for more than an hour.
- ii. The petitioner shall also provide the SHO concerned with his mobile/telephone number which shall be kept working at all times and shall not switch off or change the mobile number without prior intimation to the SHO concerned. The mobile location be kept on at all times.
- iii. The petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the family of the victim.
- iv. The period of parole shall be counted from the day when the petitioner is released from jail.
- v. The petitioner is directed to surrender before the Jail Authorities at the



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expire of the period of the parole.

17. A copy of this judgment be sent to the Jail Superintendent for information and necessary compliance.
18. In the above terms, the present writ petition stands disposed of.

**AMIT BANSAL, J.**

**OCTOBER 12, 2023**

*at*

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