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

+ **W.P.(CRL) 105/2025**

GHANSHYAM @ JAVED

.....Petitioner

Through: Mr. Shannu Baghel, Mr. Ganpat Ram,
Mr. Vivek Kumar and Ms. Disha
Gupta, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Yasir Rauf Ansari, ASC (Crl.).

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

03.04.2025

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1. The present petition is directed against order bearing no. F18/79/2014/HG/2465 dated 15th October, 2024, whereby the Petitioner's request for release on parole has been rejected. The request for parole is in connection with proceedings emanating from FIR No. 07/01 under Section 302/186/353/332/34 of the Indian Penal Code, 1860¹ and 25/27 of the Arms Act, 1959 PS: Civil Lines, Delhi and FIR no. 318/00 under 379/411/420/468/34 of IPC, P.S. Roop Nagar.

2. The Petitioner had applied for parole for a period of four weeks for getting married. His request was turned down by order dated 15th October, 2024² in the following terms:

¹ "IPC"

² "Impugned order"



**“GOVERNMENT OF NATIONAL CAPITAL TERRITORY
OF DELHI HOME (GENERAL DEPARTMENT)
5TH LEVEL A WING, DELHI SACHIVALAYA, IR
ESTATE, DELHI**

F 1817912014/HG12465

Dated 15.10.2024

*TO,
The Superintendent, Central Jail No. 14,
Mandoli, Delhi*

Subject: Release on parole, of the convict Ghan Shyam @ Javed, Stu Kishan Lal, in case FIR No- 07101 318/00, Us 302118613531332134 IPC & 2527 Arms Act &. 3791411142614613419C, PS Civil lines and roop Nagar.

With reference to your office letter FI4/SCJ-14/M/AS(CT)/2024/3285 dated 09.07.2024, on the subject cited above, I am inform you that the request in respect of the above said convict for grant of parole has been considered and rejected by the Hon'ble Lt. Governor of Delhi in view of the followings

- 1. The convict is not entitled for parole in view of Rule 1210 sub rule (11) & (V) of Delhi Prison Rules- 2018, which states that Rule 1210 sub rule (11): "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, punishments dated 20.01.2023, 24.01.2023 and 27.01.2023 awarded to the above said convicts are the major punishment in view Rule 1271 of Delhi Prison Rules 2018. 1210 sub rule (V):- "A minimum of six months ought to have elapsed from the date of surrender on the conclusion of the previous parole availed. In emergency, parole may be considered even if the minimum period of six months has not elapsed form the date of termination of the previous parole. The emergency may include delivery of a child by the wife of the convict, death of a family member, marriage of children, terminal illness of family members and natural calamities". In this case, the above said convict was released on 02 weeks parole w.e.f. 15.04.2024 to 28.04.2024 which was further extended on 29.04.2024. The above said convict has surrendered on 21.05.2024 as directed by the*



Hon'ble Apex Court.

2. *Further, as per nominal, the overall jail conduct of the convict is reported to be unsatisfactory. He was also convicted in three other cases. The convict may be informed accordingly.*

Yours faithfully.

sd/-

DY. SECRETARY (HOME)”

3. As per the aforementioned order, the Petitioner's request was primarily declined on two grounds: (i) on account of Punishment Tickets (ii) the request of parole being made in conflict with Rule 1210 sub-Rule 5 of the Delhi Prison Rules 2018, which provides that a minimum of six months ought to have elapsed from the date of surrender on the conclusion of the previous parole availed.

4. The Punishment Tickets referred in the Impugned order has since been quashed by the Co-ordinate Bench of this Court in ***Ghanshyam@Javed v State***.³ The second ground is also no longer sustainable.

5. As per the nominal roll, the Petitioner has been in custody as on 24th February, 2025 for a period of 21 years, 6 months and 3 days. He has also earned a remission of 3 years, 8 months and 18 days.

6. Considering the above and the fact that the Petitioner's conduct for last one year has been satisfactory, the request is accepted and the Petitioner is directed to be released on parole for a period of four weeks.

7. The petition is allowed and the Petitioner is directed to be released for a period of four weeks, from the date of his release, on his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the concerned Jail Superintendent, subject to the following conditions:

³ 2024: DHC: 6040



- (i) The Petitioner shall report to the concerned SHO(s) once a week on every Monday during the period of parole.
 - (ii) The Petitioner shall furnish his telephone number to the SHO(s) concerned, which the Petitioner will keep operational at all times.
 - (iii) The Petitioner shall surrender before the Jail Authorities at the expiry of the period of parole.
8. The petition is disposed of in the above terms.
9. A copy of the order be communicated to the concerned Jail Superintendent for information and necessary compliance.

SANJEEV NARULA, J

APRIL 3, 2025

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