



2025:DHC:4162



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

% **Date of decision: 20.05.2025**

+ W.P.(CRL) 289/2025

MANJEET

.....Petitioner

Through: Mr. Gunjan Sinha Jain & Ms.
Smriti Sapru, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Rahul Tyagi, ASC for
State.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

SHALINDER KAUR, J (ORAL)

1. By way of the present petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner challenges the order dated 26.12.2024 passed by the respondent rejecting the parole application of the petitioner. He also seeks grant parole for a period of two months to maintain social ties and family relations in FIR No.404/2007 for the offence under Section 302 IPC registered at Police Station R.K. Puram, Delhi.

2. The petitioner herein was convicted by the learned Additional Sessions Judge, Saket Courts (Trial Court) and was sentenced to



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undergo rigorous imprisonment for life and fine of Rs. 10,000/-, *vide* order dated 22.08.2012.

3. In order to assail the aforesaid judgment of conviction and order on sentence, the petitioner preferred Criminal Appeal No. 112 of 2013 before this Court. However, the said appeal was dismissed by this Court *vide* judgment dated 30.08.2013.

4. Thereafter, the petitioner preferred a Special Leave Petition bearing CRL. M.P. No. 25459 of 2014 against the judgment dated 30.08.2013 passed by this Court. However, the same was also dismissed by the Supreme Court *vide* order dated 09.01.2015

5. The learned counsel for the petitioner submits that the petitioner is presently confined in Central Jail No. 14, Mandoli, New Delhi and has already undergone a period of 15 years of incarceration.

6. He submits that owing to the prolonged period of incarceration, the petitioner has been suffering from severe stress and depression. In order to maintain social ties, the petitioner moved an application before the Competent Authority seeking grant of parole; however, the said application came to be rejected *vide* order No. F.18/103/2014/HG/330/3302 dated 26.12.2024, which he submits has been rejected casually without considering the period of incarceration of the petitioner.

7. The learned Additional Standing Counsel (ASC) appearing for the State, while seeking rejection of the petition, submits that the petitioner was earlier granted emergency parole, with the date of



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surrender fixed for 09.02.2021, however, the petitioner jumped the said parole and was subsequently arrested on 21.07.2022.

8. The learned counsel for the petitioner, in rebuttal, contends that the petitioner did not abscond while on emergency parole. She submits that the petitioner was released on emergency parole for a period of eight weeks w.e.f. 20.04.2020, granted by the Government of NCT of Delhi, which was extended from time to time in view of the outbreak of COVID-19. She further submits that the information regarding the date of surrender was never communicated to the petitioner by the concerned authorities, and as such, he could not surrender before the jail authorities.

9. Aggrieved by the aforesaid order, the petitioner has been compelled to approach this Court by way of the present petition, seeking grant of parole.

10. Having heard the learned counsel for the petitioner and the learned Additional Standing Counsel for the State, and upon perusal of the record, this Court notes that as per the nominal roll, the petitioner is employed as a Ward Sahayak, and his jail conduct over the past one year has been 'Satisfactory.'

11. It is also noted that in view of the petitioner having jumped the emergency parole, he was considered unfit for the grant of parole. In this context, it is pertinent to refer to Rules 1197 and 1200 of The Delhi Prison Rules, 2018, which set out the objectives to be achieved through parole and furlough. Relevant extracts thereof are reproduced herein below:



"1197. Parole and Furlough to inmates are progressive measures of correctional services. The release of prisoner on parole not only saves him from the evils of incarceration but also enables him to maintain social relations with his family and community. It also helps him to maintain and develop a sense of self-confidence. Continued contacts with family and the community sustain in him a hope for life. The release of prisoner on furlough motivates him to maintain good conduct and remain disciplined in the prison.

1200. The objectives of releasing a prisoner on parole and furlough are:

- i. To enable the inmate to maintain continuity with his family life and deal with familial and social matters,*
- ii. To enable him to maintain and develop his self-confidence,*
- iii. To enable him to develop constructive hope and active interest in life,*
- iv. To help him remain in touch with the developments in the outside world,*
- v. To help him remain physiologically and psychologically healthy,*
- vi. To enable him to overcome/recover from the stress and evil effects of incarceration, and*
- vii. To motivate him to maintain good conduct and discipline in the prison..."*

12. In view of the conspectus of the facts and circumstances, it is evident that the petitioner has undergone a prolonged period of incarceration of about 15 years and 6 months. There is no doubt that the petitioner had jumped the emergency parole granted during the COVID-19 pandemic. However, he has explained that he was not



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aware of the exact date fixed for surrender and, therefore, was unable to surrender before the concerned authorities.

13. This Court is conscious of the fact that, notwithstanding the said incident, the petitioner has otherwise maintained satisfactory conduct in custody and is now seeking parole to maintain his social ties and family relations. Accordingly, the petition is allowed, the order dated 26.12.2024 is hereby set aside. The petitioner be released on parole for a period of four weeks on the following terms and conditions:

- i. The Petitioner shall furnish a personal bond in the sum of Rs.30,000/- with one surety of the like amount, to the satisfaction of the Jail Superintendent.
- ii. The petitioner shall report to the SHO of the local area Police Station once a week on every Wednesday between 04:00 PM to 06:00 PM during the period of Parole.
- iii. The Petitioner shall furnish a telephone/mobile number to the Jail Superintendent as well as SHO of local Police Station, on which he can be contacted, if required. The said telephone number shall be kept active and operational at all the times by the Petitioner.
- iv. The petitioner shall surrender his passport, if any, before the concerned Jail Superintendent, which shall be released upon his surrender.
- v. Immediately upon the expiry of period of Parole, the Petitioner shall surrender before the Jail Superintendent.



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vi. The period of Parole shall be counted from the day when the Petitioner is released from jail.

14. Accordingly, the petition stands disposed of.

SHALINDER KAUR, J

MAY 20, 2025/ab/SK

Click here to check corrigendum, if any