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

+ **W.P.(CRL) 331/2025 & CRL.M.A. 2836/2025**

DEVENDER ALIAS MONUPetitioner

Through: **Ms. Tanya Agarwal, Advocate**

versus

STATE OF NCT OF DELHIRespondent

Through: **Mr. Sanjay Lao, Standing Counsel for State**
Insp. Bijay Kumar, PS Bawana
(9278024304)

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 30.01.2025

CRL. M.A. 2836/2025 (for exemptions)

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(CRL) 331/2025

3. The writ petition under Article 226 of the Constitution of India read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been filed seeking following reliefs:
 - a. Issue a writ or order in the nature of Certiorari quashing the Rejection Order No. F.18/273/2018/HG/85-86 Dated 07.01.2025;
 - b. Issue a writ or order in the nature of Mandamus directing the respondent to release the petitioner on parole for a period of 02 months on him furnishing his Personal Bond;
4. The impugned order records that the Petitioner's application for



parole has been declined on the ground that when the convict was released on parole on 30.07.2018 for a period of 4 weeks, the convict jumped parole and had to be re-arrested on 30.06.2021.

5. Learned counsel for the Petitioner states that the impugned order fails to take into consideration that the punishment ticket dated 12.07.2021 issued to the Petitioner for jumping parole in 2018 was quashed by this Court vide order dated 27.04.2023 passed in W.P.(CRL) 396/2023 and in fact the Court by a separate order dated 27.04.2023 passed in W.P.(CRL) 327/2023 granted parole to the Petitioner herein on a period of four (4) weeks.

6. She states that subsequent to the parole being granted by High Court in April 2023, the Petitioner duly surrendered on expiry of the parole. She states that in these facts the reliance placed by the competent authority in the impugned order on the jumping of parole in the year 2018 is unwarranted.

7. She states that subsequently the Petitioner was also granted furlough by High Court in January, 2024 and May, 2024. She states that in fact furlough was also granted by the competent authority i.e., the respondent in August, 2024.

8. She states that in these facts the denial of the application for parole by the impugned order is in teeth of the binding orders passed by High Court on 27.04.2023 quashing of the punishment ticket dated 12.07.2021 and in ignorance of the furlough order passed by the competent authority in August, 2024.

9. Mr. Lao, learned standing counsel states that the impugned order is justified as the Petitioner jumped the parole in the year 2018 and had to be re-arrested.

10. This Court has considered the submission of the parties.



11. It is a matter of record that punishment ticket dated 12.07.2021 was issued against the Petitioner/convict for the aforesaid instance of jumping parole in 2018 and his re-arrest in 2021. The Petitioner was issued a punishment ticket dated 12.07.2021 for the said incident. The punishment ticket has been quashed by the High Court vide order dated 27.04.2023. Subsequently, the Petitioner has been granted furlough by the High Court twice in the year, 2024 and once by DG prisons. The Nominal Roll shows that the Petitioner duly surrendered on expiry of the parole and furlough in the year, 2023 and 2024. The Nominal Roll also records that the conduct of the Petitioner has been satisfactory.

12. However, the impugned order fails to consider these material facts and the impugned rejection order has given mechanical reasons for rejecting the application.

13. Keeping in view the fact that the Petitioner was last out on furlough between 17.08.2024 to 24.08.2024, this Court is of the opinion that the Petitioner is entitled to parole for a period of four (4) weeks on furnishing personal bond of Rs. 10,000/- with one surety of the like amount to the satisfaction of the jail superintendent on the conditions set out herein:

- i. The Petitioner will remain at his residence during the period of his release on Parole and his ordinary place of residence shall be the address furnished in the memo of parties i.e. House No. 188, VPO: Auchandi, Delhi 110039 which shall be verified by the IO and the report will be given to Jail Superintendent.
- ii. The Petitioner shall report on every alternate Monday at 11:30 A.M. to the SHO P.S. Bawana, Delhi during the period of his release on Parole. The Petitioner will not be kept waiting at the station beyond



one hour i.e., 12:30 P.M.

- iii. The Petitioner shall also provide the SHO, PS Bawana, with mobile telephone number which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the SHO concerned.
 - iv. The Petitioner will surrender to the Superintendent, Jail on the expiry of his period of release on Parole.
 - v. The Petitioner shall maintain peace and good behaviour during his period of release on Parole.
 - vi. The Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the complainant/victim or any member of the complainant/victim's family.
14. The Respondent authority is directed to bear in mind the order dated 27.04.2023 in W.P.(CRL) 396/2023, whereby the punishment ticket dated 12.07.2021 has been set aside and the order passed today while considering any future applications for parole/furlough. The continuing reliance placed on the said incident for denying parole/furlough to the Petitioner without considering his subsequent conduct is unjustified in the facts of this case.
15. The impugned order dated 07.01.2025 passed by Deputy Secretary (Home), GNCTD is set aside.
16. Accordingly, the writ petition along with pending application stands disposed of.
17. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.



18. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

JANUARY 30, 2025/hp/AKT **MANMEET PRITAM SINGH ARORA, J**
[Click here to check corrigendum, if any](#)