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

+ **W.P.(CRL) 393/2025**

HARPAL SINGH

.....Petitioner

Through: Mr. Sudarshan Rajan(DHCLSC)
Advocate (through VC).

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel
(Criminal) for the State with Ms.
Priyam Aggarwal, Advocate.
Insp. Pushpendra, P.S, Rani Bagh.s

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **07.03.2025**

1. This hearing has been done through hybrid mode.
2. The present petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed seeking the following prayers: -

“i. Issue a writ in the nature of certiorari by setting aside the order no. F.18/144/2018/HG/40 dated 06.01.2025 passed by the competent authority and ;

ii. Issue a writ in the nature of Mandamus directing the respondent to release the petitioner on Parole of Four weeks in FIR No. 58/2012, P.S Rani Bagh.; and

iii. Pass any other order or further orders, which this Hon'ble Court deems fit and proper in the interest of justice;”

3. Learned counsel for the petitioner submits that the petitioner had filed an application for grant of parole before the competent authority, however, the same was rejected *vide* order ref. No. F.18/144/2018/HG/40 dated



06.01.2025. The said order reads as under: -

“With reference to your office letter F.14/SCJ-14/AS(CT)/PAROLE/2024/6324 dated 12.12.2024, on the subject cited above. I am to inform you that the request in respect of the above said convict for grant of parole has been considered and rejected by the Pr. Secretary (Home) in view of the following: -

1. As per nominal roll, the overall jail conduct of said convict is reported to be unsatisfactory.
2. One other case is also pending against the above said conduct.
3. Further, he was also convicted in other two cases.”

4. Learned counsel appearing on behalf of the petitioner submits that the ground for rejecting the application for grant of parole to the present petitioner was on account of the facts that his jail conduct was reported to be unsatisfactory and one other case is pending against him. It is further submitted that the conviction of petitioner in two other cases was also cited as a reason for rejecting his parole application.

5. It is further submitted that the petitioner was released on furlough thrice in 2024 in pursuance of the orders passed by the Director General of Prisons and he has not misused the liberty granted to him and had duly surrendered on time. It is pointed out that the conduct of the petitioner for the past one year has been satisfactory.

6. *Per contra*, learned Standing Counsel for the State submits that the petitioner has been involved in other cases and his conduct during the incarceration period has been unsatisfactory, and thus, he is not eligible for grant of parole. He has handed over a status report dated 06.03.2025 in Court today and the same is taken on record.

7. Heard learned counsel for the parties and perused the records.

8. Nominal roll dated 04.03.2025 shows that the petitioner has undergone incarceration for more than 14 ½ years including the remission earned by him



during the said custody period. It further shows that he was released on furlough on earlier occasions *w.e.f.*, 02.05.2024 to 23.05.2024 (for 3 weeks); 22.07.2024 to 05.08.2024 (for 2 weeks); 19.10.2024 to 02.11.2024 (for 2 weeks), on furnishing cash surety in pursuance of the orders passed by the Director General of Prisons and he had not misused the liberty granted to him. Conduct of the petitioner for the last one year has been satisfactory and the reasons for his unsatisfactory behaviour are pertaining to the punishment tickets issued to him in 2016-17. Suffice it to note that, the present petitioner was released on parole and furlough on several occasions after the said punishment tickets were issued to him.

9. Insofar as pendency of other criminal cases against the petitioner is concerned, perusal of the nominal roll shows that he is on bail in FIR No. 500/2004, registered at P.S. Okhla Industrial Area and in another case, he has been acquitted by the concerned Court.

10. In the totality of the facts and circumstances of the case, the present petition is allowed and the present petitioner is directed to be released on parole for a period of 4 weeks, from the date of his release, on furnishing a cash surety in the sum of Rs. 10,000/- along with a personal bond of the like amount to the satisfaction of the concerned Jail Superintendent, subject to the further following conditions: -

- i) The memo of parties reflects that the petitioner resides at House No. 592-A, IIIrd Floor, Rishi Nagar, Rani Bagh, New Delhi. In case of any change in address, the petitioner is directed to inform the same to the concerned Jail Superintendent.
- ii) The petitioner shall report to the SHO, P.S. Rani Bagh once a week, on every Sunday at 10:00 AM. The concerned officer shall



release the petitioner by 11:00 AM, after completion of all necessary formalities.

iii) The petitioner shall furnish his mobile number to the concerned jail authorities and to the Investigating Officer and keep it operational at all times.

iv) The petitioner shall surrender before the concerned jail authorities immediately upon the expiry of his parole.

11. The petition is allowed and accordingly disposed of.
12. Pending application(s), if any, also stand disposed of.
13. Copy of this order be sent to the concerned Jail Superintendent for necessary information and compliance.
14. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

MARCH 7, 2025/nk/ns

Click here to check corrigendum, if any