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

+ **W.P.(CRL) 513/2025**

SHIV KUMAR YADAV

.....Petitioner

Through: **Mr. Siddharth Yadav, Adv.**

versus

STATE (NCT OF DELHI)

.....Respondent

Through: **Ms. Rupali Bandhopadhy,
ASC.(Crl.), Mr. Abhijeet Kumar, Adv.
ASI Om Prakash, PS Sarai Rohilla.**

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

02.05.2025

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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: -

“a) Issue a writ in the nature of Certiorari quashing order bearing No. F.18/353/2015/HG/268 dated 31.1.2025 passed by the respondent’

b) Issue a writ in the nature of Mandamus granting parole for a period of sixty (60) days to the petitioner in FIR No. 1291/2014, U/s 376(2)M/323/366/506 IPC, P.S. Sarai Rohilla.;

c) Pass such further order(s) as this Hon’ble Court deems fit and proper.”

3. Learned counsel for the petitioner submits that the latter had filed an application for grant of parole before the competent authority on ground that the house of the petitioner in Uttar Pradesh is under construction and the same has stopped for the last 10 months, therefore, his presence is required to continue the same. However, the said application was rejected *vide* order ref.

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No. F.18/353/2015/HG/268 dated 31.01.2025. The said order reads as under:

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“With reference to your office letter F.1/SCJ-11 AS(CT)/2025/189 dated 27.01.2025 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 Pt. Secretary (Home) in view of the following: -

1. The overall jail conduct of said convict is reported to be unsatisfactory being multiple punishments during year 2021 & 2022.
 2. One other case is pending, against the said convict.
 3. Further, police authority, in its report has stated that name of said convict and his given address is not found verified. Police authority has not recommended parole in the verification.
- The convict may be informed accordingly.”

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 fact that his jail conduct was reported to be unsatisfactory as he was issued multiple punishment tickets during years 2021 and 2022 and that one other case is pending against him. It is further submitted that the non-verification of the address of the petitioner by the police authority was also cited as a reason for rejection of the parole application preferred by the present petitioner before the competent authority.

5. It is further submitted that the petitioner was released on parole in 2024 in pursuance of the order dated 23.02.2024 passed by a Coordinate Bench of this Court in W.P.(CRL) 1087/2021 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 Additional 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.

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

8. As per the status report dated 07.03.2025, it has been verified that the construction work of the house of the petitioner in Uttar Pradesh was underway, however, the same had stopped for the last 10 months. Statements of one neighbour of the petitioner as well as his wife have also been recorded in this regard. It is further stated in the status report that presently, no construction work is going on in the house of the petitioner.

9. Nominal roll dated 10.03.2025 shows that the petitioner has undergone incarceration for more than 12 ½ years including the remissions earned by him during the said custody period. It further shows that he was released on parole on an earlier occasion *w.e.f.* 27.02.2024 to 13.04.2024, for a period of 45 days in pursuance of order passed by a Coordinate Bench of this Court and he had not misused the liberty granted to him.

10. It is further pertinent to note that by way of order dated 23.02.2024 passed by Coordinate Bench of this Court, it has come on record that the cases pending against the present petitioner in Uttar Pradesh have since been disposed of. Insofar as the pendency of the other case in Delhi is concerned, nominal roll shows that he is on bail in said case.

11. Regarding the multiple punishment tickets issued to the present petitioner during the years 2021 and 2022, it is sufficient to note that he was released on parole in pursuance of the order passed by a Coordinate Bench of this Court in 2024.

12. In the totality of the facts and circumstances of the case, the present petition is partly allowed and the present petitioner is directed to be released

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on parole for a period of 4 weeks, from the date of his release, on furnishing a personal bond in the sum of Rs. 10,000/- along with one surety 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 23/24, Near Akrur Mandir, Vrindavan, Uttar Pradesh. 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 of the local Police Station of his native place 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.
13. The petition is partly allowed and accordingly disposed of.
 14. Pending application(s), if any, also stand disposed of.
 15. Copy of this order be sent to the concerned Jail Superintendent for necessary information and compliance.
 16. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

MAY 2, 2025/kr/ns
if any

Click here to check corrigendum.

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