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

+ **W.P.(CRL) 508/2025**

RUSTOM

.....Petitioner

Through: Mr. Ranbir Singh Kundu, Mr. Rajeev Sirohi, Mr. Sandeep Chawla, Mr. Shubham Mavi, Ms. Shivani and Mr. Shitanshu Saklani, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, SC for State with Insp. Sachin Kr. Verma, PS-Krishna Nagar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **20.11.2025**

1. The Petitioner is a life convict in FIR No. 56/2011, registered at P.S. Krishna Nagar, Delhi under Sections 396, 412 and 34 of the Indian Penal Code, 1860¹.
2. Mr. Ranbir Singh Kundu, counsel for the Petitioner, seeks release of the Petitioner on parole on the grounds that he has undergone a long period of incarceration. As per Nominal Roll as on 3rd October, 2025, the Petitioner has remained in custody for 13 years, 4 months and 6 days, and in this period has earned remission of 7 months and 17 days. It is also emphasized that the Petitioner is suffering from serious medical conditions requiring specialised treatment. Reliance is placed on the report of the Senior Medical



Officer, Jail Dispensary, Central Jail No. 1, which records that the Petitioner has been under treatment for severe anxiety by the jail visiting psychiatrist. The Petitioner has earlier been granted parole by the Jail Authorities themselves and he duly surrendered each time, without any adverse report during such periods of release.

3. With respect to the punishments mentioned in the Nominal Roll, Mr. Kundu submits that the same have been imposed without following due process. The Petitioner was neither issued any notice nor furnished copies of the punishment tickets forwarded for approval to the District & Sessions Judge (Headquarters), Delhi. It is contended that such action violates the fundamental principles of natural justice. He submits that the Petitioner shall avail appropriate legal remedies against such punishments.

4. As regards the antecedents mentioned in the Status Report, Mr. Kundu argues that these primarily pertain to the period from 2012 to 2019, during which the Petitioner was already in custody, and at best, his implication could fall under Section 120B IPC. It is argued that such charges and punishments are being used solely to deprive the Petitioner from availing the benefit of parole or furlough.

5. On the other hand, Mr. Sanjay Lao, Standing Counsel for the State, strongly opposes the petition. He submits that the Petitioner's conduct in jail has been consistently unsatisfactory, warranting his placement in the High Security Ward. The medical records reflect aggressive and agitative behaviour, indicating that his release may pose a potential risk to public safety. It is further noted that the Petitioner's brother and co-convict, Shorab, who was released on furlough, has absconded. Mr. Lao also

¹ "IPC"



contends that the Petitioner is operating a criminal racket from within the prison, as evidenced by FIR No. 65/2022 dated 16th February, 2022, registered under Sections 386 and 506 IPC against the Petitioner and his brothers. Additionally, in FIR No. 0008/2022 dated 11th January, 2022, registered under Sections 498A, 489B, 489C, 489D, 489E, and 120B IPC in the State of Uttar Pradesh, the Petitioner is alleged to have made unauthorised calls from jail to his brothers who were either on parole or furlough. In these circumstances, it is submitted that the Petitioner is not entitled to the benefit of parole.

6. The Court has considered the aforementioned contentions and perused the material on record. The Petitioner has undergone nearly 14 years of custody (including remissions), which is a relevant consideration for consideration of parole request, yet the Court cannot ignore the serious concerns raised by the State. The Nominal Roll records as many as 24 punishments imposed upon the Petitioner for various serious violations such as possession of prohibited items, acts of indiscipline, abusive behaviour and infliction of injuries upon jail staff, *prima facie* demonstrating a continued pattern of misconduct during custody. The Court also takes note of the medical report indicating that the Petitioner suffers from psychiatric complaints of severe anxiety, coupled with observations of agitative and aggressive behaviour, which presently raise genuine apprehension of risk to the public if he is released.

7. In addition, allegations that the Petitioner has been involved in operating a criminal racket from inside jail, has made unauthorised calls to associates, and is implicated in FIRs registered even in the State of Uttar Pradesh, cannot be ignored at this stage. Although the Petitioner challenges the punishments on grounds of procedural lapses and may pursue remedies



in that regard, such contention does not dilute the overall security concerns and risks, as highlighted by the State.

8. Although it can be argued that the Petitioner's psychiatric issues may themselves stem from his long period of incarceration, however the predominant concern, in the present circumstances, is that releasing an inmate with a history of aggressive behaviour and instability would pose a tangible threat to public safety. Thus, balancing the Petitioner's personal and medical circumstances against the compelling security considerations placed, in the opinion of the Court, the present case does not warrant the grant of parole.

9. However, considering the medical condition of the Petitioner, the State is directed to ensure that he receives the best possible treatment as per applicable rules. In case the Petitioner requires admission to a hospital for psychiatric treatment, appropriate steps shall be taken forthwith.

10. With the above direction(s), the present petition is disposed of.

SANJEEV NARULA, J

NOVEMBER 20, 2025

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