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

+ **W.P.(CRL) 885/2025**

AKASH ALIAS BHOLE

.....Petitioner

Through: Mr. Sunil Upadhyay, Mr. Mohit
Chaurasia, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel for
the State with Ms. Priyam Agrawal,
Advocate with SI Sandeep Yadav, PS
Sadar Bazar, Delhi

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

19.03.2025

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1. Issue notice. Counsel mentioned in the appearance above accepts notice.
2. The present petition filed under Article 226 of the Constitution of India read with Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeks parole for a period of 1 month for carrying out construction of his house and to maintain family and societal ties. The Petitioner has been convicted in proceedings arising from FIR No. 81/2010 registered under Sections 302/34 of the Indian Penal Code, 1860 at P.S. Sadar Bazar, Delhi.
3. The Petitioner is presently on furlough since 6th March, 2025 as per order dated 3rd March, 2025 in W.P. Crl 294/2025. While on furlough, the



Petitioner has now applied for parole for one month.

4. Counsel for the Petitioner urges that the Petitioner has been in custody for 14 years and is entitled to parole on account of his long incarceration. He further argues that as per Rule 1208 of the Delhi Prison Rules, 2018,¹ a convict's request for parole may be considered in emergency cases, even if minimum period of 6 months has not lapsed from the date of termination of previous parole. The emergency includes serious damage to life or property of the family of the convict including damage caused by natural calamities.

5. Mr. Sanjay Lao, Standing Counsel for the State, opposes the Petitioner's request. He further highlights that as per Rule 1212 of the Delhi Prison Rules, there must be a gap of one month from the date of surrender before Petitioner's request for parole can be entertained.

6. The Court has considered the afore-noted facts and contentions. Rule 1212 of the Delhi Prisons Rules clearly necessitates a gap of one month between parole and last furlough. The said provision reads as follows:

"A convict would be released on parole for a period of maximum eight weeks in minimum two spells in a conviction year. However, the period of release in one spell should not be more than four weeks. There should be one month gap between parole and last furlough availed and vice-versa.

Note:-

1) If the convict has applied for extension after surrendering from the original parole or his application for parole is pending decision when he surrendered after availing original parole then his case will be considered as fresh case.

(2) Simultaneous parole to co-accused is ordinarily not permissible, however, in exceptional circumstances competent authority may consider for reasons in writing for granting parole to co-accused who are family members."

¹ "the Delhi Prison Rules"



7. In light of the foregoing, considering the fact that one month period has from the date of surrender has not yet expired, the Court is not inclined to entertain the present petition.

8. Accordingly, the present petition is dismissed. The Petitioner shall be at liberty to apply for parole, after the expiry of the period prescribed in Rule 1212 of Delhi Prisons Rules, 2018, in accordance with law.

SANJEEV NARULA, J

MARCH 19, 2025/ab