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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1021/2025**

SUNIL SHARMAPetitioner
Through: Mr. Gunjan Sinha Jain,
Adv.

versus

STATE OF NCT OF DELHIRespondent
Through: Mr. Sanjay Lao, SC for
the State.
SI Savita Solanki, PS
Punjabi Bagh.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
16.05.2025

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1. The present petition is filed seeking parole for a period of two months in FIR No. 732/2016 registered at Police Station Punjabi Bagh. The petitioner has been convicted for the offences under Sections 506/511/354/354B of the Indian Penal Code, 1860 ('**IPC**') and Section 10/18 of the Protection of Children from Sexual Offences Act, 2012 (**POCSO**) and has been sentenced to undergo rigorous imprisonment for a period of seven years.

2. The petitioner seeks parole so as to enable him to challenge the judgment dated 11.11.2024, passed by this Court thereby dismissing his appeal against the order of conviction and order on sentence. The application filed by the petitioner has been rejected by the respondent by citing Rule 1211(VII) of the Delhi Prison Rules, 2018. The relevant Rule 1211(VII) of the Delhi Prison Rules, 2018 reads as under:



*“In the following cases, parole shall not be granted, except, if in the discretion of the competent authority special circumstances exist for grant of parole;
(VII) If prisoner is convicted under POCSO.”*

3. The Coordinate Bench of this Court in W.P. (CRL) 480/2022, in similar circumstances, had categorically held that the bar under Rule 1211 is not absolute and the discretion is vested with the respondent authorities to give benefit of parole if special circumstances exist even in cases of prisoners who were convicted under POCSO. This Court also held that filing of an SLP is, in fact, a special circumstance and granted the benefit of furlough to the petitioner therein.

4. Despite the judgment passed by this Court, yet again, the application seeking parole has been rejected on the ground that the petitioner is convicted under the POCSO. The order rejecting the application is without application of the mind. The same, in the opinion of this Court, could not have been passed on the ground that the petitioner has been convicted under POCSO since the parole had been sought in order to enable the petitioner to file an SLP, which, as held by the Coordinate Bench of this Court, is a special circumstance.

5. In view of the above, the respondent authorities are directed to consider the application of the petitioner seeking parole afresh within a period of four weeks.

6. The present petition is disposed of in the aforesaid terms.

AMIT MAHAJAN, J

MAY 16, 2025

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