



2025:DHC:4169



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

% **Date of decision: 20.05.2025**

+ W.P.(CRL) 1022/2025

GOMATI ALIAS MANOJ

.....Petitioner

Through: Mr. Arjun Malik, Adv.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amol Sinha, ASC with Mr.
Ashvini Kumar, Mr. Kshitiz
Garg & Mr. Nitish Dhawan,
Adv. for State.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

SHALINDER KAUR, J (ORAL)

1. By way of the present petition under Article 226 of the Constitution of India read with Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023, the petitioner seeks the grant of parole for a period of eight weeks in FIR No. 41/2005 registered for the offences under Section 302, 394, 397, 34 of the Indian Penal Code, 1860 at Police Station Kanjhawala.

2. The petitioner was convicted by the learned Additional Sessions Judge, Rohini Courts, Delhi, and was sentenced to undergo rigorous imprisonment for life along with a fine of Rs. 1,000/- for the offence punishable under Section 302 read with Section 34 of the IPC. Additionally, the petitioner was sentenced to rigorous imprisonment for a period of 10 years and a fine of Rs. 1,000/- for the offence under



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Section 394 read with Sections 397 and 34 of the IPC. Both sentences were directed to run concurrently, *vide* order dated 30.04.2010.

3. The petitioner challenged the aforementioned order and preferred a Criminal Appeal No. 94/2011 before this Court. However, the said appeal was dismissed *vide* order dated 20.03.2012. Thereafter, the petitioner preferred a Special Leave Petition bearing No. 009772/2017 before the Supreme Court, which was also dismissed on 08.12.2017.

4. The learned counsel for the petitioner, submits that the petitioner is presently lodged in Central Jail No. 14, Mandoli, New Delhi, and has already undergone incarceration for a period of approximately 20 years out of the sentence of imprisonment for life.

5. He submits that the petitioner was granted parole for a period of four weeks with effect from 14.11.2014 by this Court, and was again granted parole for a further period of four weeks with effect from 29.08.2017 by this Court. He, however, submits that when the petitioner was granted one month's parole with effect from 26.09.2018, he jumped the parole. He was subsequently re-arrested on 04.11.2018 in connection with false FIR Nos. 38210/2018 and 727/2018 registered against him at Police Station Mangol Puri, Delhi, for offences under Sections 379, 411, and 34 of the IPC. He submits that the petitioner has since been released on bail in both the said cases.

6. The learned counsel has urged that the petitioner had applied to the Competent Authority for the grant of parole on 23.09.2024. The



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said application was rejected by the Competent Authority vide order dated 26.12.2024 on the ground that he had allegedly jumped the parole earlier granted to him and was subsequently re-arrested in another criminal cases. He, however, contends that the rejection is based on erroneous grounds, as even after the said dismissal of petition seeking parole, the petitioner was granted furlough for a period of three weeks with effect from 10.04.2023 and parole for a period of three weeks with effect from 03.01.2024 by this Court and he duly surrendered on time.

7. The learned Additional Standing Counsel for the State fairly submits that the petitioner was released on furlough on 10.04.2023 pursuant to the order dated 23.03.2023 passed by this Court, and further submits that this fact has not been taken into consideration by the Competent Authority while rejecting the petitioner's application for parole.

8. Having heard learned counsel for the petitioner as well as learned Additional Standing Counsel for the State, this Court finds that, as per the nominal roll dated 26.03.2025, the petitioner has undergone more than 20 years of incarceration. It is further noted that the petitioner was granted three weeks 'furlough with effect from 10.04.2023 and three weeks 'parole with effect from 03.01.2024, which was subsequently extended till 12.02.2024. The petitioner duly surrendered on time on 12.02.2024.

9. In this context, it is pertinent to refer to Rules 1197 and 1200 of the Delhi Prison Rules, 2018, which set out the objectives to be



achieved through parole and furlough. Relevant extracts thereof are reproduced herein below:

"1197. Parole and Furlough to inmates are progressive measures of correctional services. The release of prisoner on parole not only saves him from the evils of incarceration but also enables him to maintain social relations with his family and community. It also helps him to maintain and develop a sense of self-confidence. Continued contacts with family and the community sustain in him a hope for life. The release of prisoner on furlough motivates him to maintain good conduct and remain disciplined in the prison.

1200. The objectives of releasing a prisoner on parole and furlough are:

- i. To enable the inmate to maintain continuity with his family life and deal with familial and social matters,*
- ii. To enable him to maintain and develop his self-confidence,*
- iii. To enable him to develop constructive hope and active interest in life,*
- iv. To help him remain in touch with the developments in the outside world,*
- v. To help him remain physiologically and psychologically healthy,*
- vi. To enable him to overcome/recover from the stress and evil effects of incarceration, and*
- vii. To motivate him to maintain good conduct and discipline in the prison..."*

10. In view of the conspectus of the facts and circumstances the petitioner is directed to be released on parole for a period of four weeks subject to the following conditions.



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- a) The Petitioner shall furnish a personal bond in the sum of Rs.30,000/- with one surety of the like amount, to the satisfaction of the Jail Superintendent.
- b) The petitioner shall report to the SHO of the local area Police Station once a week on every Thursday between 04:00 PM to 06:00 PM during the period of Parole.
- c) The Petitioner shall furnish a telephone/mobile number to the Jail Superintendent as well as SHO of local police station, on which he can be contacted, if required. The said telephone number shall be kept active and operational at all the times by the Petitioner.
- d) The petitioner shall surrender his passport, if any, before the concerned Jail Superintendent, which shall be released upon his surrender.
- e) Immediately upon the expiry of period of Parole, the Petitioner shall surrender before the Jail Superintendent.
- f) The period of Parole shall be counted from the day when the Petitioner is released from jail.

11. Accordingly, the petition stands disposed of.

SHALINDER KAUR, J

MAY 20, 2025/ab/SK

[Click here to check corrigendum, if any](#)