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

+ **W.P.(CRL) 1039/2025**

ROHIT @MONA

.....Petitioner

Through: Mr. Shannu Baghel, Mr. Gorang Goyal, Mr. Aakash, Mr. Saksham Kumar, Mr. Vivek Kumar and Ms. Disha Gupta, Advocates.

Versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Rahul Tyagi, ASC (Crl.) with Mr. Mathew M. Philip, Mr. Sangeet Sibou, Mr. Aniket Kumar Singh, Advocates for the State with Inspector Vikas Mudgal, P.S. Mukherjee Nagar.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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25.04.2025

W.P.(CRL) 1039/2025

1. Writ Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, has been filed on behalf of the Petitioner, Rohit @ Mona, for quashing the Order dated 26.03.2025 *vide* which his Parole Application has been denied, and seeks Parole for four weeks to re-establish his social and family ties, in FIR No. 293/2011 under Section 302/324 of the Indian Penal Code, 1860 registered at Police Station Mukherjee Nagar, Delhi.

2. It is submitted that his mother had filed an Application for grant of Parole to the Petitioner on 28.01.2025 but the same was not decided, which prompted the Petitioner to file the Writ Petition Criminal bearing W.P.



(CRL.) 805/2025 for being released on Parole, which was decided *vide* Order dated 10.03.2025 directing the Jail Authority, to decide the Application. However, nothing was forthcoming.

3. Second Writ Petition Criminal bearing W.P. (CRL.) 980/2025 was filed on behalf of the Petitioner but had to be withdrawn as in the interim, the Rejection Order was passed on 26.03.2025.

4. This is the third Writ Petition, which has been filed by the Petitioner, to avail the Parole for a period of four weeks.

5. It is submitted that the Petitioner had been granted Parole/Furlough regularly and the same may again be permitted, in terms of the Jail Rules.

6. **Learned Prosecutor for the State** submits that the Parole has been denied as on verification, the mother was unable to furnish any medical documents of her ailment.

7. **Submissions heard and the record perused.**

8. The Parole Application of the Petitioner has been rejected *vide* Order dated 26.03.2025, which reads as under:

*“Sir,
With reference to the proposal in respect of the above said convict for grant of parole received in this office vide letter No F.14/SCJ-14/AS(CT)/PAROLE/2025/886 dated 25.02.2025, it is to inform that after due consideration, the Pr. Secretary (Home) rejected the same in view of the following:*

“That as per police verification report received from Deputy Commissioner of Police, District North West, New Delhi, it is stated that the grounds for parole seem not to be genuine. The said accused can harm the family of the victim. The possibility of jumping parole cannot be ruled out. The possibility of committing similar offence by the convict



either himself or by engaging in gang activity with robbery, dacoits, kidnappers, extortionists cannot be ruled out.”
It is requested that the convict may be informed accordingly.

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Deputy Secretary (Home)”

9. Pertinently, the Application dated 28.01.2025 was filed by the Petitioner, through his mother, seeking Parole wherein the mother had stated that her son has been coming regularly on Parole/Furlough but surrenders himself on time. She is 65 years old and remains sick and sought the Parole for her son so that he can take care of her. There is no explanation forthcoming which prompted the Jail Authority, to observe that the grounds stated in the Parole Application did not “*seem to be genuine*”.

10. The old aged mother had claimed that she was not keeping good health. She may not have detailed medical documents and she may not seem to be suffering from any ailment requiring medical intervention, but there is no basis for the Jail Authority to observe that the reasons stated in the Parole Application are not genuine.

11. Further grounds stated are of likelihood of causing harm to the victim or jumping the Parole, also does not find any corroboration as previously also the Petitioner has availed Parole/Furlough and every time, he has surrendered on time. There is nothing to show that he has ever violated any terms of Furlough/Parole whenever he got released from the Jail. The Nominal Roll records that since 2020, he has availed the Furlough/Parole on eight occasions. Furthermore, the Nominal Roll records that he is working as a Jail Factory Sahayak and his conduct is “**satisfactory**”. The observations made in the impugned Order dated 26.03.2025, are not borne by the record



of the Jail Authority itself.

12. It is painful to note that a person has to come to the Court, to get the relief to which they are entitled under law. The Jail Authorities must act more judiciously while considering such Applications of Parole/Furlough and not pass mechanical Orders.

13. Considering the totality of the circumstances, the Petitioner be released on Parole for a period of four weeks, on the following terms and conditions: -

- i. The Petitioner shall furnish a personal bond in the sum of Rs.10,000/- with one surety of the like amount, to the satisfaction of the Jail Superintendent.
- ii. The Petitioner shall report to the SHO of the local area once a week on every Sunday between 10:00 AM to 11:00 AM during the period of Parole.
- iii. 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.
- iv. The Petitioner shall ordinarily reside at the address mentioned in the Petition.
- v. Immediately upon the expiry of period of Parole, the Petitioner shall surrender before the Jail Superintendent.
- vi. The period of Parole shall be counted from the day when the Petitioner is released from jail.



14. The Petition stands disposed of.

APRIL 25, 2025/RS

NEENA BANSAL KRISHNA, J