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

+ **W.P.(CRL) 1585/2025**

MOHD IMRAN

.....Petitioner

Through: Mr. Ashutosh Kaushik, Advocate
(DHCLSC).

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC with
Mr. Arjit Sharma and Ms. Sakshi Jha,
Advocate for State with Ms. Rekha
Chauhan, SI, PS-Pandav Nagar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

04.07.2025

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1. The Petitioner is a convict serving life sentence in terms of FIR No. 131/2010, under Sections 302, 392 and 34 of the Indian Penal Code, 1860¹, registered at P.S. Pandav Nagar. As per the nominal roll, as on 3rd May, 2025, the Petitioner has served a sentence spanning 12 years, 9 months and 4 days and has earned remission of 3 years, 7 months and 18 days.
2. On 20th February, 2025, the Petitioner approached the Competent Authority with a request for parole. This application, however, was turned down through a detailed order dated 22nd April, 2025, which forms the basis of the present challenge. The rejection primarily rests on the Petitioner's previous record of non-compliance with prison rules, specifically Rules



1210 and 1211 of the Delhi Prison Rules, 2018. The order underscores two significant lapses: first, on an earlier occasion when the Petitioner was granted furlough for two weeks, he overstayed and surrendered after a delay of ten days. Second, during an earlier spell of emergency parole the Petitioner was re-arrested in connection with FIR No. 477/2022, registered at P.S. Pandav Nagar on 20th July, 2022, involving serious allegations under the Arms Act, 1959. These past infractions, reflecting a disregard for the conditions of temporary release, formed the crux of the authority's decision to deny parole.

3. Counsel for the Petitioner contends that the Petitioner has been acquitted in FIR No. 477/2022, *vide* judgment dated 28th February, 2025 passed by the Trial Court, a crucial fact that, according to him, was entirely overlooked by the Competent Authority while passing the impugned rejection order. This specific factual assertion is not disputed by Mr. Arjit Sharma, counsel representing the State.

4. In view of this admitted position, the very foundation of the impugned order, which attributes adverse conduct to the Petitioner on the basis of his re-arrest in the afore-said FIR, stands substantially eroded. Once the Petitioner has been acquitted, the reliance placed on re-arrest as being indicative of misconduct or breach of trust during parole loses force. Therefore, an adverse inference cannot be drawn from an incident that no longer has a legal consequence. Moreover, it is significant to note that this acquittal occurred prior to the passing of the impugned order. The failure to consider such a material development not only reflects a clear non-application of mind but also demonstrates a disregard for relevant and

¹ "IPC"



decisive facts essential to a fair determination of the Petitioner's request. Accordingly, the impugned order deserves to be set-aside.

5. In light of the foregoing, the following directions are issued:

- (i) The impugned order dated 22nd April, 2025 is set aside.
- (ii) The Petitioner's application for parole dated 20th February, 2025, which was rejected in the impugned order, shall be re-examined by the Competent Authority, giving due regard to the facts noted above, and the acquittal of the Petitioner in FIR No. 477/2022.
- (iii) The decision on the Petitioner's request shall be rendered within a period of 10 days from today.

6. Needless to state, in case the Petitioner's request is declined, the Petitioner shall be at liberty to take recourse to appropriate legal measures, in accordance with law. It is clarified that the Court has not commented on the merits of the case and all rights and contentions of the parties are left open.

7. With the above directions, the present petition is disposed of.

SANJEEV NARULA, J

JULY 4, 2025

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