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

+ **W.P.(CRL) 1598/2025**

TARVINDER SINGH @ POLY

.....Petitioner

Through: Mr. Ashutosh Kaushik, Adv.
(DHCLSC), Mr. Gautam
Yadav, Adv.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Tarang Srivastava, APP for
the State.
SI Braham Parkash, PS Sultan
Puri.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

26.05.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') seeks the following prayers: -

"a. Issue a writ in the nature of Certiorari quashing the Order no.F18/26/2025/HG/285 dated 23.04.2025 passed by the Respondent; and

b. Issue a writ in the nature of mandamus directing the respondent to release the petitioner on parole for a period of two months; or

c. -Pass any other order or further orders, which this Hon'ble Court deems fit and proper in the interest of justice."

3. Learned counsel for the petitioner submits that the latter was convicted by a Coordinate Bench of this Court in CRL.A. 770/2023 *vide* judgment dated 07.12.2023 and sentenced on 11.01.2024 in FIR No. 357/2016 registered at



Police Station Sultan Puri for the offence punishable under Section 397 of the IPC to rigorous imprisonment for a period of 7 years along with fine of Rs. 5,000/- and in default of payment of fine, to undergo simple imprisonment for 1 month. It is submitted that the said appeal was filed by the State assailing the impugned judgment of acquittal passed by learned Trial Court on 25.01.2019 whereby the petitioner was acquitted for the offence punishable under Sections 397/411 of the IPC and Sections 25/27 of the Arms Act, 1959.

4. It is further submitted that the petitioner had filed an application seeking parole before the competent authority on 13.03.2025 in order to file SLP before the Hon'ble Supreme Court challenging the impugned judgment of conviction dated 07.12.2023 passed in CRL.A. 770/2023 and the same was dismissed *vide* order reference No. F.18/26/2025/HG/285 dated 23.04.2025.

The relevant observation of the said order reads as under: -

“As per police verification report received from Deputy Commissioner of Police, District Outer, Delhi, the grant of parole has not recommended to said convict as grounds of parole are not found genuine. Also, there are possibilities of jumping parole.

It is requested that the convict may be informed accordingly.”

5. Learned counsel further submits that the present petition has been filed seeking parole for the said purpose itself and the petitioner has undergone incarceration for more than 2 years including the remissions earned by him during the said custody period and his conduct during his custody period has been satisfactory and he was on bail during the course of trial before the learned Trial Court as well as during the course of hearing of the aforesaid appeal before this Court and had not misused the liberty granted to him. It is further submitted that insofar as the other cases pending against the petitioner are concerned, he is on bail.



6. *Per contra*, learned Additional Standing Counsel for the State submits that the present petitioner has been convicted for commission of serious offence and has been sentenced to 7 years of rigorous imprisonment. It is submitted that the petitioner is involved in 04 other cases which are as follows:-

- i) FIR No. 781/2019, under Sections 25/54/59 of the Arms Act, registered at PS Sultan Puri;
- ii) FIR No. 275/2018, under Sections 25/54/59 of the Arms Act, registered at PS Sultan Puri;
- iii) FIR No. 680/2020, under Sections 25/54/59 of the Arms Act, registered at PS Sultan Puri;
- iv) FIR No. 481/2019, under Sections 380/411 of the IPC, registered at PS Ranhola;

7. Heard learned counsel for the parties and perused the record.

8. The petitioner prays for parole on the ground of filing an SLP before the Hon'ble Supreme Court challenging the judgment passed by a Coordinate Bench of this Court whereby his acquittal by learned Trial Court was reversed and he was convicted for the offence punishable under Section 397 of the IPC and sentenced to rigorous imprisonment for 7 years. Pursuing his legal remedy in terms of filing an SLP is one of the grounds under the provisions of Delhi Prison Rules, 2018 for grant of parole (Rule 1208 (viii)). The petitioner was on bail during the course of hearing of the CRL.A. 770/2023 before this Court and was taken into custody on his conviction and had not misused the liberty granted to him.

9. As per the status report, the address of the petitioner as mentioned in the memo of parties, *i.e.*, H.No. D-1/415, Sultan Puri, Delhi - 110086, has



been verified. The said status report has been handed up in Court today and the same is taken on record. It is further pertinent to note that the reply from the Legal Services Committee of Hon'ble Supreme Court in respect of the SLP to be filed by the petitioner is still awaited.

10. Nominal roll dated 19.05.2025 reflects that the petitioner has undergone incarceration for more than 2 years including the remissions earned by him during the said custody period and his overall conduct during his custody period has been satisfactory. Insofar as the other cases pending against the petitioner are concerned, nominal roll shows that he is on bail in said cases and in other FIR No. 24319/2019, under Sections 379/411 of the IPC, registered at PS KNK Marg he has already undergone the sentence awarded to him.

11. In the totality of the facts and circumstances of the present case, the present petition is partly allowed and the petitioner is directed to be released on parole for a period of four weeks, from the date of his release, on his furnishing personal bond in the sum of Rs. 20,000/- along with one surety of the like amount to the satisfaction of concerned Jail Superintendent, subject to the further following conditions: -

- i) The memo of parties reflects that the petitioner resides at H.No. D-1/415, Sultan Puri, Delhi - 110086. In case of any change in address, the petitioner is directed to inform the same to the concerned Jail Superintendent.
- ii) The petitioner shall report to the SHO, PS Sultan Puri once a week, on every Sunday at 10:00 AM. The concerned officer shall release the petitioner by 11:00 AM, after completion of all necessary formalities.



- iii) The petitioner shall not leave NCT of Delhi during the period of parole.
 - iv) The petitioner shall furnish his mobile number to the concerned jail authorities and to the Investigating Officer and keep it operational at all times.
 - v) The petitioner shall surrender before the concerned jail authorities immediately upon the expiry of his parole.
12. The petition is partly allowed and accordingly disposed of.
 13. Pending applications, if any, also stand disposed of.
 14. Copy of this order be sent to the concerned Jail Superintendent for necessary information and compliance.
 15. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

MAY 26, 2025/kr/ns

Click here to check corrigendum, if any