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

+ W.P.(CRL) 1771/2025
SHIV KUMAR @ SHIBU

.....Petitioner

Through: Ms. Tanyua Agarwal and Mr. Krishna Kumar Keshav, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Yasir Rauf Ansari, ASC for State with SI Deepak Aumar, P.S. Jahangir Puri.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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24.09.2025

1. The petitioner herein seeks issuance of writ in the nature of certiorari for quashing the Parole Rejection Order no. F.18/160/2019/HG/949 dated 09.04.2025 passed by Deputy Secretary, Home (General) Department, Government of NCT of Delhi and issuance of mandamus directing the respondent to release the petitioner on parole for four weeks.
2. Petitioner is a convict in a case FIR No.269/2014 registered under Sections 302/323/341/34 of the IPC, at Police Station Jahangir Puri, Delhi. He has been sentenced to undergo rigorous imprisonment for life with fine, *vide* judgment dated 27.03.2019 by learned ASJ, Rohini Courts, Delhi. He was released on emergency parole from 07.07.2021 to 22.07.2021 during the COVID-19 period. However, post covid, he did not surrender on time. On 12.12.2022, he voluntarily surrendered upon being intimated to do so. In



2024, the petitioner availed three furloughs granted to him by the jail authorities under the Delhi Prison Rules, 2018. On 13.02.2025, he applied for grant of parole for four weeks but same was rejected.

3. In the aforesaid backdrop, I have heard learned counsel for the petitioner and respondent as well as perused the material available on record.

4. The learned counsel for the petitioner would submit that the petitioner has maintained good conduct in jail, has not been awarded any major punishment, and is therefore entitled to parole under the Delhi Prison Rules, 2018. She would also submit that the petitioner's last two years' jail conduct has been satisfactory, which is a mandatory prerequisite for the grant of parole under the Rules.

4.1 Furthermore, she would submit that the Petitioner has already served more than ten years of the sentence. During this period, he has availed the benefit of parole and furlough from time to time, in accordance with the Jail Manual and applicable rules. She further submits that she has never misused the liberty except once in 2021, due to lack of awareness of the surrender date. She submits that he delayed but voluntarily surrendered thereafter.

4.2 Learned counsel would also submit that the petitioner's family comprises his aged mother, his father having passed away in 2023, while his siblings live separately. The petitioner belongs to the poor strata of society and is presently working in jail as an *Atta Chakki Sahayak*. In case parole is granted, he will reside at his family residence, and his relatives and friends are willing to stand surety for him.

4.3 Learned counsel also relies on order dated 25.07.2025 in W.P. (CRL) 3499/2024 where a Co-ordinate bench of this Court observed that due to



illiteracy and ignorance, convicts on parole or furlough often fail to surrender on time, resulting in punishment. To avoid this, court has directed jail authorities to provide convicts with a written note specifying the surrender date at the time of release, with the convict's acknowledgment, instead of merely making a verbal statement. The relevant portion of the order is reproduced hereinunder:

“ 5. Earlier also, in few cases it has been observed that on account of illiteracy and ignorance, many a time the convict released on parole or furlough fails to surrender back in time and the delayed surrender leads to punishment, with its consequential effects. In all those cases, directions are being issued by this Court to the Jail Authorities to inform to the convicts at the time of their release on parole or furlough, a specific date in writing by which they have to surrender. In this regard, instead of a bald statement on behalf of the Jail Authorities that they had informed the convict about the date of surrender, it would be appropriate that a written note of date of surrender is handed over to the convict at the time of releasing him on parole or furlough after taking his acknowledgement on a copy of the said written note, so that there is no ambiguity.”

5. Learned counsel for the respondent at the outset submits that in case petitioner is found eligible for seeking parole, his instant petition shall be treated as a fresh representation by the competent authority and an appropriate order shall be passed in accordance with the applicable provisions of the jail manual.

6. Learned counsel for the petitioner submits that the petitioner is agreeable to the suggestion made by the learned counsel for the respondent.

7. The instant petition is accordingly disposed of with a direction to the competent authority of the respondent that the matter shall be taken up on



administrative side and appropriate order be passed in accordance with law as expeditiously as possible but not later than four weeks from today.

8. A copy of the instant order be conveyed to the Jail Superintendent who shall ensure the compliance by placing the case of the petitioner before the competent authority.

ARUN MONGA, J

SEPTEMBER 24, 2025
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