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

+ **W.P.(CRL) 2162/2021**

GHANSHYAM@JAVED

.....Petitioner

Through: Mr. Shannu Baghel, Mr. Ganpat Ram,
Mr. Shaksham Kumar, Mr. Aakash
and Ms. Disha Gupta, Advocates
Mr. Anuj Kapoor, Mr. Nandeesh
Nanda and Mr. Shivom Sethi,
Advocates

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Amol Sinha, ASC with
Mr. Kshitiz Garg, Mr. Ashvini
Kumar, Mr. Nitish Dhawan and
Ms. Sanskriti Nimbekar, Advocates
for State alongwith SI Naveen, P.S.
Civil Lines

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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07.11.2025

1. Writ Petition under Article 226 of Constitution of India has been filed on behalf of the Petitioner for directing the Respondent to count and include the period of his release on Parole during Covid-19 Pandemic pursuant to the Orders of this Court.
2. It is submitted in the Petition that the Petitioner was convicted for the offence under Section 302 IPC in FIR No. 0007/2001, P.S. Civil Lines, vide Judgment dated 29.07.2005. He was sentenced to rigorous imprisonment for life with a fine of Rs.5,000/-. He preferred Criminal Appeal No. 885/2005



which was dismissed by this Court on 01.09.2009. He has already undergone custody of about 19 years and 04 months. During this period, he was granted Parole for 4-5 times.

3. Due to the outbreak and spread of Covid-19 Pandemic, the Supreme Court as well as High Court directed the Competent Authority to grant Emergency Parole to the eligible convicts *vide* the Resolution/Minutes of the High-Powered Committee constituted by this Court. As per the recommendations of the High-Powered Committee, the eligible jail inmates were released on Emergency Parole to save them from Covid-19 Pandemic. All the jails were occupied beyond their capacity and there was imminent risk of contracting Covid-19 inside the jail.

4. Keeping this emergent situation of threat of Covid-19 Pandemic, the Government of NCT of Delhi issued an Order dated 27.03.2020 in exercise of its powers under rule 1212A of the Delhi Prisons Rules and decided to grant 08 weeks Emergency Parole which was to be counted towards the sentence of the prisoners.

5. It is further mentioned that in the Order dated 27.03.2020 following categories of convicts were directed to be granted Emergency Parole by the Committee, which are as under:

- i. All convicts who are presently outside the prison on either on furlough or on parole
- ii. All convicts who have availed parole/furlough in the past
- iii. All convicts not falling under S. No. 1 or 2 above the otherwise eligible.

6. The Petitioner availed Parole 04 times before the aforesaid Notifications were issued, but still he was not granted Emergency Parole by



the Competent Authority, as per rule 1212A Delhi Prisons Rules, 2018 amended *vide* Notification dated 20.05.2020. It provides that the number of spells of Emergency Parole may be increased in emergent situation, if so warranted. Accordingly, Emergency Parole was extended from time to time by the Government.

7. The Petitioner was eligible to be released on Emergency Parole. However, he had already approached the High Court and *vide* Order dated 21.05.2020, he was released on Parole for a period of 04 weeks and got released on 23.05.2020. The Petitioner was not granted Emergency Parole.

8. It is submitted that though it was not indicated that it was an Emergency Parole, but in terms of the Notification of the Government, his period of Parole be counted towards his sentence. The Petitioner duly surrendered before the Jail Authority on 14.03.2021.

9. A prayer is made that the period of Parole during the Covid-19 period from 23.05.2020 till the date of his surrender i.e., 14.03.2021, be added to his period of sentence.

10. ***Learned Counsel on behalf of the State*** has submitted that since the Petitioner had been released by on regular Parole by the Order of the Court, the Notifications taken out from time to time for Emergency Parole or their extensions, is not applicable to the Petitioner. Therefore, the relief claimed cannot be granted.

Submissions heard and record perused.

11. Mr. Anuj Kapoor, learned Counsel representing Petitioner from DHCLSC, seeks discharge as a private Counsel has appeared on behalf of the Petitioner. In view of the submissions, he stands discharged.

12. As per the submissions made in the Petition, the first Order of release



of the Petitioner was pursuant to the Orders of this Court dated 21.05.2020 for 04 weeks.

13. However, it cannot be overlooked that on because of onset of Covid-19 Pandemic since 20.03.2020, an emergent situation arose where the Notifications were taken out by the Government from time to time to release the prisoners from jail not to decongest and also to prevent the spread of Covid-19 Pandemic in the Jails.

14. While the Petitioner may have been released initially *vide* Order dated 21.05.2020 on a regular Parole, but the subsequent supervening situation cannot be overlooked. It may be observed that it is not as if the Petitioner himself was not inclined to surrender, but was prevented on account of the various intervening notifications. Therefore, a period from 23.05.2020 till the date of surrender i.e. 14.03.2021, he has to be deemed as a period of Emergency Parole and this period is liable to be excluded in terms of the Notification of the NCT of Delhi. Therefore, the Petition is allowed and the period from 23.05.2020 to 14.03.2021 is directed to be included while calculating the period of sentence.

15. The Petition is accordingly, disposed of.

NEENA BANSAL KRISHNA, J

NOVEMBER 7, 2025

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