



\$~18

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

+ **W.P.(CRL) 1799/2025
MD. SHAHID**

.....Petitioner

Through: Mr. Rohan J. Alva and Mr. Anant
Sanghi, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel

**CORAM:
HON'BLE MR. JUSTICE ARUN MONGA**

**ORDER
24.09.2025**

%

1. The petitioner herein seeks setting aside of the order dated 26.12.2024 *vide* which his application was rejected for grant of parole. He also prays for the issuance of a writ of *mandamus* directing the respondent to release him on parole for a period of eight weeks.

2. Petitioner was convicted in a case arising out of FIR No.109/2009 registered under Section 302 of the IPC, at Police Station Kapashera. He has been sentenced to undergo rigorous imprisonment for life with fine, *vide* judgment dated 02.05.2011.

2.1 It is Stated that the petitioner has already served approximately fourteen years of the sentence awarded to him. 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.

3. Learned counsel for the applicant would inter alia argue on the lines of grounds pleaded in the petition as below:-

3.1 That the petitioner applied for grant of parole for two months before the GNCT of Delhi on the ground of “To re-establish social-ties with society and family members and on account of demise of his brother”, vide an application dated 30.08.2024 dispatched on 01.10.2024 but the application was not decided by the competent authority within the statutory period.

3.2 That apart from the present case the petitioner has clean antecedents in the last one year and no other case is pending in any other court against him.

3.3 That the petitioner has stellar conduct inside the jail and he never misused liberty of parole/furlough, except in 2023, when he was due to surrender after being released by HPC in view of Covid-19 pandemic, he surrendered about 100 days late since he did not receive any proper communication about the date of surrender. He surrendered himself as soon as he got the information and apart from the above, there is no other complaint much less punishment in the last three preceding years.

3.4 That the Delhi Prison Rules 2018 categorically states that if the application for parole is not decided within a month, it is presumed that there is no objection for grant of the same.

3.5 That the petitioner was staying at the same address provided in the memo of parties but did not receive any communication from



prison authorities. In fact, the petitioner was not arrested and surrendered himself on 16.08.2023 as soon as the local police station informed him that inmates released on Emergency Parole by HPC were due to surrender on 07.04.2023.

3.6 That owing to the unreasonable delay, the petitioner has missed the Barsi function of his demised brother. The petitioner has now turned 35 years old and also wants to start his own family by marrying during the life time of his mother who is about 80 years old. Even his mother wants to see the marriage of her only unmarried son i.e. the petitioner.

3.7 That the family of petitioner comprises of his octogenarian mother, seven married brothers and six married sisters. He shall stay at the address provided in the memo of parties in case mercy is shown.

3.8 He would also submit that the petitioner undertakes to comply with all the conditions of parole as may be imposed by this Court or the competent authority. He shall stay at the verified address provided in the memo of parties and is willing to furnish sureties if required.

4. On the other hand, learned Standing Counsel opposes the present petition, submitting parole is a concession, not a right. The petitioner's application for two months' parole to perform the 'barsi' of his deceased younger brother was rightly rejected by the Competent Authority, Government of NCT of Delhi, *vide* order dated 26.12.2024, due to his unsatisfactory jail conduct over the past two years, including punishments dated 06.08.2019 and



16.08.2023. The rejection was therefore justified and in accordance with law.

5. I have heard learned counsel for the parties and gone through the record. I am of the opinion that petition deserves to be allowed. Reason are stated here after.

6. It transpires that the brother of the petitioner passed away on 13.03.2024 as per the Death Certificate appended with the writ petition as Annexure 'P-2'. But the applicant was neither able to join his family during the last rites of his brother, nor he was granted the liberty of parole, later on, to attend the barsi of his brother also was declined by sheer administrative delay.

7. Now, the petitioner is before this Court seeking the liberty of parole in order to tie the knot and start his own matrimonial journey during the lifetime of his aged 80 year old mother.

8. The petitioner has already undergone fourteen years of actual incarceration pursuant to his conviction under Section 302 IPC. Such a prolonged period in custody itself warrants consideration for parole, since periodic release is an essential component of the reformatory and rehabilitative purpose of imprisonment. Except for a solitary incident in 2023, which occurred due to lack of proper communication regarding the date of surrender, the petitioner has otherwise maintained good conduct inside jail and has never misused the liberty of parole or furlough. In fact, once he was informed of the correct date, he voluntarily surrendered himself. This isolated lapse cannot outweigh his consistent discipline and positive conduct over the years.



9. The application for parole, filed on 30.08.2024 and dispatched on 01.10.2024, was not decided within the statutory period prescribed under the Delhi Prison Rules, 2018. By operation of law, such inaction itself is deemed to be no objection to the grant of parole. The eventual rejection order dated 26.12.2024 is mechanical, ignores the present circumstances, and relies on stale punishments which cannot be the sole ground to perpetually deny parole.

10. The petitioner's request is also based on compelling humanitarian considerations. At present, he seeks parole in order to solemnize his marriage during the lifetime of his aged mother, who is about 80 years old and ardently wishes to see her only unmarried son settled. The petitioner comes from a large, stable family, consisting of his octogenarian mother, seven married brothers and six married sisters, and he resides at the verified permanent address already furnished in the memo of parties. There is therefore no risk of absconding or misuse of liberty.

11. Apart from the present conviction, the petitioner has no other criminal case pending and has clean antecedents. It is well settled that parole is not a mere concession but an integral part of the correctional system, meant to allow prisoners to maintain family and social ties, to reduce recidivism, and to uphold the constitutional guarantee of dignity under Article 21 of the Constitution of India. In these circumstances, denial of parole would frustrate both the humanitarian and reformatory purposes of imprisonment.



12. In view of peculiar facts and circumstances of the case, the petition is allowed. Accordingly, four weeks parole is granted to the petitioner from the date of his release for the reasons stated in the application. Impugned order is thus set aside.

13. A copy of the instant order be conveyed to the Jail Superintendent who shall release the petitioner on parole subject to imposition of usual conditions and also subject to furnishing a personal bond of Rs.10,000/- and a surety bond of the equivalent amount to the satisfaction of the jail superintendent.

14. The petition is thus allowed, as above. Pending application, if any is also disposed of.

ARUN MONGA, J

SEPTEMBER 24, 2025/acm