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

+ W.P.(CRL) 2317/2025 and CRL.M.A. 21631/2025

RABI UL ISLAM

.....Petitioner

Through: Mr. Chetan Bhardwaj, Advocate.

versus

STATE OF GNCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC
(Criminal) with Mr. Arjit Sharma and
Ms. Sakshi Jha, Advocates.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

28.07.2025

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1. *Inter alia*, issuance of a Writ in the nature of certiorari is sought herein, quashing the impugned order dated 16.05.2025, whereby grant of parole to the petitioner, a convict, was rejected.
2. Succinctly, the relevant backdrop of the case is that the petitioner was convicted *vide* the judgment dated 07.11.2014 by the Ld. ASJ, Saket Courts, Delhi under Sections 302/323/34 IPC. He has been sentenced to undergo life imprisonment and pay fine of Rs. 10,000/- in default simple imprisonment for one year for the offences under Sections 302/34 IPC, rigorous imprisonment for seven years with fine of Rs. 5,000/- each, in default simple imprisonment for six months for the offence under Section 307/34 IPC and rigorous imprisonment for one year each for the offence under Section 323 IPC.



2.1 After conviction, petitioner filed Criminal Appeal No. 536/2015 before this Court. However, same was dismissed *vide* judgment dated 07.09.2015. He is currently undergoing the sentence *ibid* awarded to him and is lodged in jail.

2.2 Petitioner filed Parole Application before the respondent/ Jail Authorities and the same has been rejected by the respondent *vide* Order dated 16/05/2025 assailed herein.

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

4. The learned counsel for the petitioner submits that the petitioner has undergone more than 10 years of actual sentence. His minor children have to be admitted in School. There is no abled person in the family who can manage the same. Petitioner is seeking Parole so as to also re-establish social ties with society and family members.

4.1 It is submitted by the learned counsel that the family position of the Petitioner has not been presented correctly in the impugned order dated 16.05.2025. In the impugned order, it has been stated that:

“..... As per report of the police and welfare officer, Mother, wife, and brother of the convict are present in the family and they may get the children admitted in school.....”.

The learned counsel submits that Petitioner's elder brother (Farukh) has no family ties with Petitioner. Petitioner's mother is aged about 70 years, currently suffering from medical ailments. His wife, Sadia Sheikh, is uneducated and a homemaker; his daughter, Rafia Sheikh, is 7 years old; and his son, Sanad Sheikh, is 5 years old.

4.2. It is submitted that in the circumstances, as above, there is no person



in the family who could get the school admission of the children done. Petitioner's mother is neither educated nor fit to accompany the children. Petitioner's wife is also not educated and it will also not be possible for her to fill up or process the School admission documents on her own.

4.3 It is also submitted that the Petitioner is a reformed man. He has duly maintained his conduct and not committed any crime. This shows that he is no-longer a threat to the society.

4.4 The learned counsel relies on Judgment dated 12.07.2023 in the case of Manoj Sirohi Vs. State Govt. NCT of Delhi ¹[W.P. (Crl.) No. 2209/2020] and Judgment dated 25.05.2023 in the case of Mohd. Suleman Vs. State of NCT of Delhi [W.P. (Crl.) No. 279/2023]² where the convict was released on Furlough under similar facts and circumstances.

5. It is submitted by the learned counsel that the Petitioner is ready to abide by all the terms and conditions. It is further submitted that the Nominal Roll of Petitioner clearly highlights that he is a reformed man and if liberty would be granted to him then he shall not misuse it and surrender timely.

6. The learned counsel for the respondent opposing the petition submits that:

6.1 The convict is not entitled for parole in view of Rule 1210 sub rule (ii) and (iv) of Delhi Prison Rules-2018.

Rule 1210 sub rule (ii) reads as below :-

"The conduct of the Prisoner who has been awarded major punishment for any prison offence should have been uniformly good for last two years from the date of

¹W.P. (Crl.) No. 2209/2020

²W.P. (Crl.) No. 279/2023



application and the conduct of Prisoner who has been awarded minor punishment or no punishment for any prison offence in prison should have been uniformly good for last one year from the date of application".

In this case, as per nominal roll, punishment dated 18.02.2024 was awarded to the above said convict and thus he is not eligible for grant of parole.

6.2. Furthermore, Rule 1210 sub rule (iv) is as below :-

"The convict should not have violated any terms and conditions of the parole or furlough granted previously".

The convict is also not entitled for parole in view of Rule 1211 sub rule (iii) of Delhi Prison Rules-2018, which states that:-

"In the following cases, parole shall not be granted, except if in the discretion of the competent authority special circumstances exist for grant of parole:

x-x-x-x-x

(iii). Prisoners who are considered dangerous or have been involved in serious prison violence like assault, outbreak of riot, mutiny or escape, or rearrested who absconded while released on parole or furlough or who have been found to be instigating serious violation of prison discipline as per the reports in his/her annual good conduct report."

In this case, the above said convict was released on 04 weeks parole w.e.f. 24.03.2017 to 21.04.2017 granted by GNCT of Delhi but convict jumped from parole and re-arrested on 15.02.2024 in same case.

6.3 As per nominal roll, the overall jail conduct of said convict is reported to be unsatisfactory. Superintendent Jail has, therefore, not recommended grant of parole to the petitioners. Competent Police authority



has also strongly opposed the parole to him.

7. Having heard and perused the impugned order, I am of the case that at this stage it is still not a fit case to grant any concession to the petitioner. For the reasons stated in the impugned order, apart from the submissions of the learned counsel for the respondents in tune thereof, with which I am in agreement, I find no grounds to interfere.

8. The writ petition is, accordingly, dismissed.

ARUN MONGA, J

JULY 28, 2025

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