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

+ **W.P.(CRL) 2441/2025**

RAJ NATH @ DHARMENDER

.....Petitioner

Through: Ms. Pallavi Garg, Adv. (DHCLSC)
with Ms. Sanjana Sharma Sahu, Adv.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Yasir Rauf Ansari, ASC
(CRIMINAL) with Mr. Alok Sharma, Adv.
SI Chetan Yadav, PS Model Town

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

13.11.2025

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1. This is a petition filed under Article 226 of the Constitution read with Section 582 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (earlier Section 482 of the Code of Criminal Procedure, 1973), wherein the petitioner, presently lodged in Central Jail No. 14, Mandoli, seeks quashing of the rejection order dated 04.07.2025 whereby his request for parole has been declined on the grounds of his past conduct. He further seeks his release on parole for a period of one month to re-establish social ties with his family and society.

2. The petitioner is a life-convict in FIR No. 90/2001, Police Station Model Town, for offences under Sections 363 and 376 of the Indian Penal Code, 1860, having been convicted for life. He claims to have undergone approximately 23 years and 7 months of custody (excluding remission), and



he prays for one mA courtroom transcription styleonth's parole on the ground of re-establishing social ties.

3. Learned counsel for the petitioner submits that the petitioner has undergone approximately twenty-three years and seven months of custody excluding remission, as reflected in the Nominal Roll placed on record. It is contended that the petitioner has maintained satisfactory jail conduct, has been working as a CT Sahayak earning approximately Rs.7,000/- per month, and has utilized his incarceration period productively. It is submitted that the petitioner has no other criminal case pending or decided against him.

4. It is stated that the petitioner was released on various spells of parole and furlough between 2015 and 2024, including four-week parole in 2015, 2016 and 2017, two-week parole in 2019, and several spells of furlough in 2017, 2018, 2019 and 2023. It is further stated that he also availed extended spells of Covid-19 emergency parole during the pandemic, including one spell commencing on 04.04.2020 and another commencing on 15.05.2021, which was extended up to 01.04.2023 and during which he surrendered on time.

5. The principal submission of the petitioner is that although he surrendered late after the expiry of his furlough period in November 2023, the delay was inadvertent, that he remained under the impression that the interim protection granted by the Hon'ble Supreme Court in W.P.(CrI.) 554/2023 continued, and that he came to know only on 27.06.2024 that he was required to surrender, whereafter he surrendered on 30.06.2024. She submits that this delay was neither deliberate nor willful and ought not to result in a permanent bar to parole. His purpose in seeking parole is to re-establish social ties which, according to him, is essential for his



psychological well-being.

6. *Per contra*, learned ASC appearing for the State opposes the petition. He submits that the petitioner has repeatedly violated the conditions of release. It is pointed out that the petitioner surrendered nine days late after the conclusion of emergency parole on 02.03.2021 and has again violated conditions in the present instance by surrendering five months and eighteen days late after the expiry of furlough on 13.11.2023. It is submitted that although the petitioner was granted interim protection from surrender by the Hon'ble Supreme Court in W.P.(Crl.) No. 554/2023, such protection was only up to 08.01.2024, as is evident from the orders dated 07.11.2023 and 11.12.2023. Despite this, the petitioner surrendered only on 30.06.2024.

7. It is submitted that the case of the petitioner squarely attracts Rule 1210(IV) of the Delhi Prison Rules, 2018, which disentitles a prisoner who has violated the conditions of earlier parole or furlough. It is also pointed out that Rule 1211(III) bars parole to prisoners who have absconded or failed to surrender after release.

8. It is also submitted that both the Jail Superintendent and the Police Authorities have not recommended grant of parole. The Jail Superintendent has specifically noted the petitioner's prior punishments, including the two instances of late surrender. The Status Report further notes that the petitioner resides outside Delhi and there remains a possibility of his absconding again if released.

9. Heard and perused the record.

10. The relevant facts are not in dispute. The petitioner availed furlough from 30.10.2023 to 13.11.2023. The Hon'ble Supreme Court's interim protection from surrender, originally granted on 07.11.2023, was extended



only until 08.01.2024 by the order dated 11.12.2023. The petitioner, however, did not surrender on 08.01.2024 and remained outside prison until 30.06.2024, thereby overstaying by five months and eighteen days. Further the petitioner has also previously surrendered nine days late in March 2021 after the expiry of emergency parole.

11. The explanation now offered cannot dilute the statutory mandate. Parole and furlough are founded on trust and repeated overstay amount to serious breach of that trust.

12. Rule 1210(IV) of the Delhi Prison Rules, 2018, categorically stipulates that a convict who has violated the conditions of earlier parole or furlough shall not be entitled to further parole. In addition, Rule 1211(III) creates a statutory bar against parole in cases where a prisoner has absconded or failed to surrender after release. The petitioner's conduct falls squarely within the ambit of both provisions. The magnitude of the present overstay cannot be described as minor or technical in nature. It represents a clear and serious breach of the conditions of release and undermines the trust reposed in a convict while granting furlough or parole.

13. The petitioner has not been able to demonstrate any circumstance that could justify an exception to the statutory bar. The ground urged by him, namely, the need to re-establish social ties, is a ground which was availed by the petitioner when he was last released. The material on record shows that the petitioner has been released on numerous occasions between 2015 and 2023 on parole, furlough and emergency parole, thus providing him sufficient opportunities to maintain family and social connections.

14. In view of the overall conduct of the petitioner, this Court is of the view that the competent authority has rightly invoked the statutory bar



provided under Rule 1210(IV) and Rule 1211(III). Additionally, the ground urged, i.e., re-establishment of social ties was availed recently in the year 2024, when the petitioner is stated to have violated the conditions of his release.

15. It is well settled that while parole is a reformatory measure, the discretion to grant parole must be exercised strictly in accordance with statutory rules, institutional assessments and public safety considerations. In the present case, the Jail Superintendent has not recommended parole in view of the petitioner's conduct. These assessments cannot be disregarded in the absence of compelling circumstances.

16. The scope of judicial review over decisions denying parole is confined to examining whether the decision suffers from arbitrariness, illegality or non-application of mind. The impugned order dated 04.07.2025 reflects due consideration of the petitioner's history and conduct, the statutory provisions, the jail conduct, and the grounds urged by the petitioner. The reasons recorded therein are cogent, relevant and legally sustainable. No infirmity has been demonstrated that would warrant interference.

17. In these circumstances, no interference is warranted. The writ petition is accordingly dismissed. Pending applications, if any, stand disposed of.

AJAY DIGPAUL, J

NOVEMBER 13, 2025/AS/ryp