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

+ **W.P.(CRL) 2825/2024 & CRL.M.A. 35297/2024**

NARENDER

.....Petitioner

Through: Mr. Nitin Saluja and Ms. Pranya
Madan, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amol Sinha, ASC for State along
With IO/SI Ashish Sharma PS Nand
Nagri

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

10.02.2025

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1. This petition has been filed seeking release of the Petitioner on parole for a period of four (4) weeks in FIR No. 169/1993, registered at P.S Nand Nagri for offences under Sections 365/302/201 IPC and further seeking setting aside of the order dated 16.10.2024 passed by the competent authority.

2. Learned counsel for the Petitioner states that the Petitioner was constrained to file this Petition, as his application dated 22.06.2024 for seeking parole was not decided by the competent authority within the time period prescribed under the Delhi Prison Rules, 2018.

2.1. He states that during the pendency of this petition, the Petitioner was communicated the order dated 16.10.2024 ('rejection order') passed by the competent authority, whereby, the Petitioner's application seeking parole was rejected. He states that therefore, vide rejection order dated 16.10.2024



passed by this Court, the Petitioner was *inter-alia* permitted to challenge the said rejection order.

2.2. He states that during the pendency of this petition, the Petitioner was granted furlough for a period of three (3) weeks with effect from 03.10.2024 to 24.10.2024. He states that thereafter, once again the Petitioner was granted furlough vide order dated 27.11.2024, which as well was duly availed and the Petitioner has thereafter duly surrendered on 05.01.2025.

2.3. He states that no discernible reason has been set out in the impugned order dated 16.10.2024 for denying the Petitioner's application for parole. He states that the Petitioner has sufficiently set out in the application that the Petitioner be released on parole, so as, to enable the Petitioner to re-build his house.

3. Learned ASC refers to the order dated 07.01.2025 passed by this Court. He states that a period of one month has been elapsed between the last furlough availed by the Petitioner and therefore the relief of parole can be considered.

4. This Court has considered the submissions of the parties.

5. The reason furnished by the Petitioner for seeking parole is duly recognized in the Parole/Furlough: guidelines 2010 issued vide notification dated 17.02.2010, as well as Rule 1208 of the Delhi Prison Rules, 2018. The Nominal Roll dated 05.12.2024 records that the Petitioner's conduct is satisfactory and in fact he has been allotted labour as Langar Sahayak. The last major punishment handed out to the Petitioner was in the year 2016.

6. After 2016, the Petitioner was not handed down any punishment ticket. Thereafter, in the year 2021 after being granted emergency parole there was a delay of two (2) days in surrendering which led to a warning



being issued to him. However, the competent authority in the impugned order has observed that the conduct of the Petitioner is unsatisfactory due to the aforesaid facts. Keeping in view the humanitarian objective behind granting parole, considering the fact that the said issue was more than three (3) years old, the competent authority ought to have evaluated the conduct of the Petitioner for the immediately preceding year, so as to incentivise the Petitioner to maintain good conduct. The competent authority failed to consider that furlough has been granted to the Petitioner thereafter twice in the year 2023 and thrice in 2024 and the Petitioner duly surrendered at the expiry of the furlough, which shows that the delay of two (2) days of surrender in 2021 has ceased to be a material fact; the grant of subsequent furloughs and due surrender were relevant facts to be considered. The plea of the Petitioner that he is seeking parole to repair his house has not even been adverted to in the impugned rejection order. This Court, therefore finds that the competent authority failed to consider relevant material while considering the Petitioner's application for parole and thus the impugned order dated 16.10.2024 is set aside.

7. In view of the facts noted hereinabove this Court is satisfied that the Petitioner is entitled to be released on parole for a period of four (4) weeks upon furnishing a personal bond in the sum of Rs. 10,000/- with one surety of the like amount, to the satisfaction of the concerned Jail Superintendent, and subject to the following terms: -

- i. The Petitioner shall not leave the country without prior permission of the Court and will remain at his residence during the period of his release on parole and his ordinary place of residence shall be the address furnished in the memo of parties.



- ii. The Petitioner shall provide his mobile phone number to the concerned Jail Superintendent and S.H.O concerned at the time of release, which shall be kept in working condition at all times.
 - iii. The Petitioner shall report on every alternate Monday at 11:30 A.M. to the Police Station under which the ordinary place of residence falls, during the period of his release on parole. The Petitioner will not be kept waiting at the station beyond one hour i.e., 12:30 P.M.
 - iv. The Petitioner shall maintain peace and good behaviour during his period of release on parole.
 - v. The Petitioner shall not communicate with or come in contact with the complainant/victim or any member of the complainant/victim's family.
 - vi. The Petitioner shall positively surrender before the concerned Jail Superintendent on the expiry of the period of 4 weeks from the date of his release.
8. Accordingly, the present writ petition along with pending application (if any) stands disposed of.
9. Copy of the order be sent to the concerned Jail Superintendent for information and necessary compliance.
10. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 10, 2025/hp/MG