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

+ W.P.(CRL) 3009/2025

VISHAL NARENDER PAL

.....Petitioner

Through: Mr. (Appearance not given)

versus

THE STATE OF DELHI OF DELHI

.....Respondent

Through: Mr. Yasir Rauf Ansari, ASC & Mr. Mohit Raj Nagar, Mr. Alok Sharma, Advs. with SI Deepak & WSI Chander.

**CORAM:**

**HON'BLE MR. JUSTICE RAVINDER DUDEJA**

**ORDER**

**23.09.2025**

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1. This is a writ petition under Article 226 of the Constitution of India, read with Section 528 BNSS, 2023, thereby directing the respondent to release the petitioner on parole in case FIR no. 581/2014, registered at PS Dabri for a period 2 months.
2. Petitioner has been convicted for the offence under Section 6 and 5(n) of the POCSO Act and has been sentenced to 10 years of imprisonment.
3. Learned counsel for the petitioner submits that the 75 years old mother of petitioner is to undergo knee replacement surgery which is scheduled for 24.09.2025 at RML Hospital.
4. Petitioner applied for parole on 27.08.2025 before the Jail Superintendent. However, there is no response yet from the jail authority.
5. It has been further submitted that the surgery was earlier scheduled



for 01.09.2025, which was rescheduled for 19.09.2025 but could not be conducted because of anxiety factor to the mother of the petitioner, and, therefore, the same has been rescheduled for tomorrow at RML Hospital.

6. Learned counsel states that there is no one in the family of the petitioner to take care of the mother who is physically and financially dependent upon the petitioner.

7. As per the OPD card filed with the status report, the surgery is scheduled for Wednesday i.e., 24.09.2025 at 9.00 PM.

8. As per the nominal roll dated 19.09.2025 received from the jail, petitioner has been in custody for 4 years 7 months and 1 day and the unexpired portion of the sentence is 5 years 2 months and 28 days.

9. Learned ASC submits that in terms of Rule 1210 of Delhi Prison Rules, petitioner is not entitled for the grant of parole inasmuch as he does not fulfill the eligibility criteria of having spent 1 year in prison after conviction.

10. Rule 1210 (1) reads as under:

*“In order to be eligible for release on parole in terms of Rule above:*

*I. A convict must have served at least the period of one year in prison excluding under-trial period and any period covered by remission. However, inexceptional cases, where the prisoner has spent more than 3 years as under trial period or half of the sentence of the punishment awarded as under trial then his parole application may be considered, if he has spent at least 6 months in prison as convict.*

*II. 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 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.*

*III. During the period of release on parole or furlough, if granted earlier, the convict should not have committed any crime.*

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



*V. A minimum of six months ought to have elapsed from the date of surrender on the conclusion of the previous parole availed. In emergency, parole may be considered even if minimum period of six months has not elapsed from the date of termination of previous Parole. The emergency may include delivery of a child by the wife of the convict, death of a family member, marriage of children, terminal illness of family members and natural calamities.”*

11. As per the nominal roll, the petitioner has undergone only 8 months and 29 days after conviction. However, a careful reading of Rule 1210(1) indicates that in exceptional circumstances where the prisoner has spent more than 3 years as under trial period then his parole application may be considered, if he has spent at least 6 months in prison as a convict.

12. That being the position, the petitioner having spent more than 3 years as under trial prisoner and spent more than 6 months in prison as a convict meets the eligibility criteria for grant of parole.

13. Since the status report confirms that knee replacement surgery of the mother of the petitioner is to be conducted on 24.09.2025, the petition is allowed granting parole of 4 weeks, subject to following conditions:

- a. That petitioner shall furnish a personal bond of Rs 20,000/- with a surety of like amount to the satisfaction of the concerned Jail Superintendent.
- b. That in the event of change of petitioner's address, he is directed to promptly notify the concerned Jail Superintendent;
- c. Petitioner shall report to the SHO PS Dabri once a week on every Wednesday at 11.00 am. The concerned officer shall release the petitioner immediately after recording his presence and completing all the necessary formalities;
- d. Petitioner shall provide his mobile number to the concerned jail



authorities and to SHO PS Dabri and ensure that it remains operational all the times;

- e. Petitioner shall not attempt to contact the victim's family in any manner or even go near their residence at any time;
- f. Petitioner shall surrender before the concerned jail authority immediately upon the expiry of his parole;
- g. In case surgery is post-poned to some date after 24.09.2025, the petitioner shall immediately surrender and shall not wait for completion of the period of parole.

14. With the above directions, the petition stands disposed of.

15. Copy of this order be sent to concerned Jail Superintendent for information and necessary compliance.

**RAVINDER DUDEJA, J**

**SEPTEMBER 23, 2025**

Gs/sk