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

+ **W.P.(CRL) 3562/2024**

SIKANDER

.....Petitioner

Through: Ms. Gayatri Nandwani, Advocate
with Ms. Mudita Sharda, Advocate
(Through VC)

versus

STATE GOVT. OF NCT OF DELHI A

.....Respondent

Through: Mr. Amol Sinha, ASC for State with
Mr. Kshitiz Garg and Mr. Ashvini
Kumar, Advocates along with SI
Arvind Verma, PS: Gokulpuri

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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07.02.2025

CRL.M.A. 3868/2025

1. This is an application filed by the Petitioner for raising additional grounds for impugning the order dated 18.10.2024 passed by the competent authority, whereby Petitioner's application for grant of parole was declined.
2. Issue notice. Learned ASC accepts notice.
3. The additional grounds sought to be raised by way of this application is in furtherance of the relief sought in the writ petition and therefore, the cause of action does not change. Keeping in view the said fact, the application is allowed.

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4. With the consent of the parties, the main writ petition has been taken



up for hearing.

5. The Petitioner by way of the present petition seeks parole.

6. This petition was filed on 15.10.2024 on the plea that the Petitioner's mother had passed away in the year 2023 and her post demise ceremonies were scheduled for 30.10.2024. It was stated that though an application has been filed with competent authority, the Petitioner has not heard back on the final decision.

7. This petition has since remained pending till date and the Petitioner was not released even on custody parole to permit him to participate in the post demise ceremonies.

8. The Respondent placed on record the order dated 18.10.2024 whereby, the Petitioner's application for parole was rejected. The impugned order dated 18.10.2024, whereby the Petitioner was declined parole, primarily records that since the Petitioner was handed down two (2) punishment tickets dated 12.10.2023 and 14.10.2023, which are major punishments as per Rule 1271 of the Delhi Prison Rules, 2018 and in these facts, the Petitioner's application seeking parole was declined.

9. This Court has perused the Nominal Roll dated 23.11.2024. The said Nominal Roll records that the Petitioner herein was enlarged on parole on 30.10.2023 for four (4) weeks and the Petitioner duly surrendered thereafter on 26.11.2023.

10. The four (4) weeks parole in 2023 was permitted to the Petitioner in pursuance to the order dated 06.10.2023 passed by the Coordinate Bench of this Court in W.P.(CRL) 1992/2023. However, neither the said order dated 06.10.2023 nor the orderly conduct of the Petitioner during his four (4) weeks parole and his timely surrender has been taken into consideration



while passing of impugned order dated 18.10.2024.

11. The Nominal Roll further shows that after 26.11.2023, the Petitioner has neither been permitted to be released on furlough nor parole.

12. In the facts of this case, where the Petitioner has already undergone actual incarceration of 19 years 03 months 15 days and has on remission of 01 year 04 months and 02 days, as on 23.11.2024 and considering the conduct of the Petitioner of diligently surrendering at the end of the five paroles granted to him in the year 2016, 2017, 2018, 2020 and 2023, this Court finds that the impugned order declining him to permit the Petitioner to enlarge on parole to participate in the post demise ceremony of his mother is not justified.

13. Moreover, the impugned order dated 18.10.2024 at paragraph 3 records that the mother of the Petitioner is available to perform the post demise ceremony. This seems to be a patent error, as the mother of the Petitioner is deceased and parole was sought for the post demise ceremony of the deceased mother. In the facts of this case, the denial of parole appears to be mechanical without having duly consider the effect of the parole availed by the Petitioner in the year 2023.

14. Learned ASC was unable to clarify the dates of acts and omissions to which the punishment tickets of 12.10.2023 and 14.10.2023 relate to. In the facts of this case, the Petitioner was granted parole by this Court on 06.10.2023 and this supervening material fact has not been considered by the competent authority.

15. Keeping in view the humanitarian intent of Rule 1200 of Delhi Prison Rules, 2018, while releasing the prisoner on parole, this Court finds that this is fit case for permitting the Petitioner to be enlarged on parole for a period



of four (4) weeks from the date of his release, subject to the following conditions: -

- a. The Petitioner shall furnish a personal bond in the sum of Rs.20,000/- with one surety of the like amount, who shall be a family member of the petitioner, to the satisfaction of the concerned Jail Superintendent.
- b. The Petitioner shall not leave the country without prior permission of the Court and shall reside at the address as per prison records.
- c. 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;
- d. The Petitioner shall present himself before the S.H.O. P. S. Gokul Puri, every 2nd Monday between 11:00 AM and 11:30 AM to mark his presence. However, he will not be kept waiting longer than an hour for this purpose.
- e. The Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the complainant/victim or any member of the complainant/victim's family.
- f. The Petitioner shall timely surrender before the concerned Jail Superintendent on the expiry of the period of 4 weeks from the date of his release.

16. The competent authority is directed to duly consider the observations made in the present order and the order dated 06.10.2023 while considering any future applications received from the Petitioner for parole and furlough



as per the Rules.

17. With the aforesaid directions, the present petition is disposed of accordingly.

18. The date of 17.03.2025 is cancelled.

19. Copy of the order be sent to the concerned Jail Superintendent for information and necessary compliance and to S.H.O, P.S. Gokul Puri, through electronic mode as well.

20. 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 7, 2025/rhc/MG