



2025:DHC:9464



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

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Date of Decision: 28.10.2025+ **W.P.(CRL) 3478/2025**

SHIVA @ UWAN

.....Petitioner

Through: Mr. Arhum Sayeed
(DHCLSC) and Mr. Rahil
Ahmed, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Rupali Bandhopadhyia,
ASC with Mr Abhijeet Kumar
and Ms Amisha Gupta,
Advocates.

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J. (Oral)**

1. By way of present writ petition, the petitioner seeks issuance of writ in the nature of Certiorari quashing the order no. F. 18/43/2018/HG/2910- 2912 dated 26.09.2025 passed by the Respondent, and a writ in the nature of mandamus directing the respondent to release the petitioner on parole for a period of 2 months.

2. The petitioner is presently confined in Central Jail No. 10, Rohini, New Delhi. By virtue of judgment dated 28.05.2012, passed by the learned Additional Sessions Judge, FTC (Central), Tis Hazari



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Courts, Delhi, the petitioner was convicted for commission of offence punishable under Sections 452/323/324/307/302/201/34 of the Indian Penal Code, 1860 (hereafter ‘IPC’) in case arising out of FIR bearing no. 189/2010, registered at Police Station Paharganj, Delhi and was sentenced to undergo rigorous imprisonment for life. His appeal against conviction i.e., CRL.A. 881/2023 was dismissed by this Court *vide* judgment dated 16.12.2017.

3. The learned counsel appearing on behalf of the petitioner submits that the petitioner is seeking grant of parole for a period of two months. He states that the nominal roll shows that the jail conduct of the petitioner in the last one year has been ‘satisfactory’. It is further submitted that as per Rule 1210(II) of the Delhi Prison Rules 2018, a convict is entitled to grant of parole in case his jail conduct for the last one year is satisfactory. Therefore, he states that it is not clear as to why the application for grant of parole was rejected.

4. The learned ASC for the State, on the other hand, submits that in case of any convict who has been awarded a major punishment in the prison, his jail conduct for the last two years is required to be satisfactory.

5. This Court has **heard** arguments addressed by the learned counsel appearing for the petitioner as well as the respondent, and has perused the record.

6. An order has been placed before this Court, passed by the



Competent Authority i.e. Deputy Secretary (Home), *vide* which the application for grant of parole has been rejected primarily on the following two grounds:

“(i) As per nominal roll, the overall jail conduct of said convict is reported as unsatisfactory in view of multiple punishments.

(ii) Further, police authority has highly opposed the grant of parole to the above said convict in view of the fact that the complainant and the accused family are residing in the same locality. There are high chances that if parole is granted to the convict, there could be serious law and order problem in the locality..”

7. The first ground in the impugned order on the basis of which the application was rejected is that the police has opposed the grant of parole in view of the fact that the complainant and the accused are residing in the same locality. However, this Court notes that on several occasions, the petitioner has been granted parole/furlough without there being any complaint of misuse of liberty against him by the complainant, the details of which are as under:

“1. Parole: 21.03.2020 to 05.04.2020 (02 weeks by DHC), which was extended time to time due to covid-19 by GNCTD. Further, he was rearrested in new 03 cases on 22.01.2021. (acquitted in all three cases).

2. Parole: 30.12.2022 to 27.01.2023 (30 days by DHC).

3. Furlough: 24.11.2023 to 15.12.2023 (03 weeks by DHC)”

8. It is therefore once again clear that the Competent Authority has passed the impugned order, rejecting the application for parole, without application of mind and without even referring to the Nominal Roll.

9. This Court, in decision dated 16.10.2025 in ***Kanta Prasad v.***



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State of NCT of Delhi: 2025:DHC:9273 has recently passed the following order:

“17. Before parting with the case, this Court is constrained to observe that on several occasions in the past, similar cases have come before this Court where the competent authority has failed to advert to the actual record, and passed rejection orders in a mechanical manner, leading to unjustified denials of parole. The present case is a one such textbook example, where despite the fact that the last jail punishment was issued to the petitioner as far back as 2019, and thereafter he had been granted furlough on nine occasions without a single instance of misuse, the authority has nonetheless concluded that his overall conduct is unsatisfactory, and he is not entitled to parole. Such orders compel convicts, many of whom are unable to effectively represent or defend themselves, to approach this Court through jail petitions, which places unnecessary burden on both the judicial and legal aid systems.

18. Therefore, this recurring pattern of rejection orders being passed without due reference to the record or proper reasoning, as observed in the present case, has compelled this Court to issue certain directions to ensure that applications for parole and furlough are decided in a fair, reasoned, and legally sustainable manner.

19. Accordingly, this Court **directs** as under:

(i) While passing any orders rejecting parole or furlough applications, the competent authority shall specifically record the reasons for such rejection, clearly indicating the particular instances of misconduct or adverse conduct and its date being cited as a ground for rejection, as reflected in the nominal rolls.

(ii) The competent authority shall also take note as to whether the punishment(s), if any, awarded to a convict were major or minor in nature, and whether the same were approved by the concerned District & Sessions Judge, in accordance with the Delhi Prison Rules.

(iii) The competent authority shall ensure that the entire history *qua* the jail conduct of the convict and record of release of the convict are duly considered before taking a decision. This shall include reference to any previous releases on furlough, parole, emergency parole, or interim bail, as well as whether the convict had surrendered on time and complied with the



conditions imposed.”

10. It is expected by this Court that the ratio of the aforesaid judgment will be followed in true letter and spirit.

11. Coming back to the facts of the present case, this Court notes that the petitioner has remained in prison for about 13 years, and the jail conduct of the convict for the past one year has been satisfactory.

Rule 1210 of the Delhi Prison Rules is set out below:

“1210. 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, in exceptional 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



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members and natural calamities.”

12. It is relevant to note that Rule 1210(II) mandates that a prisoner, who has been awarded any major punishment, should have a good conduct for last two years from the date of application of grant of parole before the concerned authorities. In the present case, the last punishment awarded to the petitioner was in June, 2023, and no other punishment has been awarded to him thereafter. Thus, a period of two years has already lapsed since the award of last punishment to the petitioner.

13. Thus, considering the aforesaid facts and circumstances, this Court is inclined to grant parole to the petitioner for a period of four (04) weeks, on the following conditions:

- i. 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, to the satisfaction of the Jail Superintendent.
- ii. The petitioner shall report to the SHO of the local area once a week on every Sunday between 10:00 AM to 11:00 AM during the period of parole.
- iii. The petitioner shall furnish a telephone/mobile number to the Jail Superintendent as well as SHO of local Police Station, on which he can be contacted, if required. The said telephone number shall be kept active and operational at all the times by the petitioner.
- iv. Immediately upon the expiry of period of parole, the



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petitioner shall surrender before the Jail Superintendent.

v. The period of parole shall be counted from the day when the petitioner is released from jail.

14. In above terms, the present writ petition stands disposed of.

15. The copy of the judgment be sent to the petitioner, who is in judicial custody, through the concerned Jail Superintendent for information.

16. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

OCTOBER 28, 2025/A