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

+ **W.P.(CRL) 3906/2025**

MAHESH MISHRA

.....Petitioner

Through: Mr Anubhav Mehrotra, Ms. Mehak
Nakra and Ms. Gunjan Suyal, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amol Sinha, ASC for the State
with Mr. Kshitiz Garg, Mr. Ashvini
Kumar, Ms. Chavi Lazarus and Mr.
Anshul Sharma, Advs.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

% **19.12.2025**

1. By way of the present writ petition, the petitioner is seeking issuance of writ in the nature of mandamus directing the respondent to release the petitioner on parole for a period of three weeks to procure funds and provide care for his wife prior to and after her surgery.
2. The petitioner herein was convicted in case arising out of FIR No. 1004/2006, registered for the commission of offences punishable under Sections 365/220/167/304/34 of the Indian Penal Code, 1860 (hereafter 'IPC').
3. Since 12.11.2025, the wife of the petitioner has been experiencing complaints of clear discharge from her right nostril, accompanied by headache and fever. Upon her admission to Kailash Hospital & Neuro Institute, she was informed that she is suffering from a serious neurological



condition known as CSF rhinorrhoea, wherein cerebrospinal fluid, which protects the brain, leaks and drains through the nasal cavity. It was further informed that she has a defect in the skull bone at the base of the brain. The wife of the petitioner was also informed that the said condition requires urgent surgical intervention and treatment, as continued CSF leakage significantly increases the risk of meningitis if not addressed in a timely manner.

4. The learned counsel for the petitioner argues that he is presently confined in Central Jail No. 12 and has already undergone incarceration of about 3 years and 11 months. It has been pointed out that the petitioner has been granted parole on one occasion in the past, and he had not misused the liberty granted and surrendered on time. It is also stated that the co-accused of the petitioner has already surrendered before the Jail Authorities on 15.12.2025.

5. The learned ASC submits that the verification report as to the address of the petitioner and the factum that the wife of the petitioner is not keeping well has been verified, and the same is on the record.

6. This Court has **heard** arguments addressed on behalf of the petitioner as well as the State, and has perused material available on record.

7. This court notes that the petitioner herein was granted parole on one occasion i.e, 17.10.2025 to 01.11.2025 and the petitioner has not misused the liberty and surrendered on time before the jail authority.

8. This court is also considerate of the verification report, which has been placed on record by the learned ASC, which confirms the address of the petitioner and the factum that the wife of the petitioner is not keeping well.



9. This Court's attention has also been drawn to Rules no. 1197 and 1200 of the Delhi Prison Rules, 2018. The said rules read as under:

“1197. Parole and Furlough to inmates are progressive measures of correctional services. The release of prisoner on parole not only saves him from the evils of incarceration but also enables him to maintain social relations with his family and community. It also helps him to maintain and develop a sense of self-confidence. Continued contacts with family and the community sustain in him a hope for life. The release of prisoner on furlough motivates him to maintain good conduct and remain disciplined in the prison.

1200. The objectives of releasing a prisoner on parole and furlough are:

- i. To enable the inmate to maintain continuity with his family life and deal with familial and social matters,
- ii. To enable him to maintain and develop his self- confidence,
- iii. To enable him to develop constructive hope and active interest in life,
- iv. To help him remain in touch with the developments in the outside world,
- v. To help him remain physiologically and psychologically healthy,
- vi. To enable him to overcome/recover from the stress and evil effects of incarceration, and
- vii. To motivate him to maintain good conduct and discipline in the prison...”

10. It is evident that Rules 1197 and 1200 provide that the grant of furlough and parole are progressive measures of correctional services and delineate the objectives thereof. This Court has also perused Rule 1223 of the Delhi Prison Rules, which prescribes the criteria for the grant of furlough. The said rule reads as under:

“1223. In order to be eligible to obtain furlough, the prisoner must fulfil the following criteria: -

- i. Good conduct in the prison and should have earned rewards in last 3 Annual good conduct report and continues to maintain good conduct.
- ii. The prisoner should not be a habitual offender.



iii. The prisoner should be a citizen of India.”

11. Thus, considering the overall facts and circumstances of the case this Court is inclined to grant parole to the petitioner for a period of three (03) weeks, on the following conditions:

- i. The petitioner shall furnish a personal bond in the sum of Rs.10,000/- with one surety of the like amount, 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 furlough.
- 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 furlough, the petitioner shall surrender before the Jail Superintendent.
- v. The period of furlough shall be counted from the day when the petitioner is released from jail.

12. In view of the above, the present petition stands disposed of.

13. A copy of this order be forwarded to the concerned Jail Superintendent for information and compliance.

14. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

DECEMBER 19, 2025/A/R