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

+ **W.P.(CRL) 5/2025**

SHAHID NASIR

.....Petitioner

Through: Mr. Adit S. Pujari, Mr. Shaikh
Saipan Dastgir, Mr. Manvendra
Singh Shekhawat, Mr. Vibhav
Rawat, Advs.

versus

NATIONAL INVESTIGATION AGENCY AND ANR

.....Respondent

Through: Mr. Rahul Tyagi, SPP, Mr.
Vikas Walia, ASPP, Mr. Jatin
ASPP, for NIA.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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10.04.2026

CRL.M.A. 11165/2026 in W.P.(CRL) 5/2025

1. This is an application under Section 528 of Bharatiya Nagarik
Suraksha Sanhita, 2023 with the following prayer:

- a. *Clarify that Condition No. (v) in the order dated 15.10.2025 passed in W.P.(CRL) 5/2025 does not require the petitioner to bear the salaries, allowances, or per-diem charges of police personnel deployed for escort duty;*
- b. *Direct the respondents—including the Deputy Commissioner of Police, Nyayik Abhiraksha Vahini (NAV), Delhi Armed Police, and the Government of NCT of Delhi—to revise the impugned demand dated 07.11.2025 and restrict the same to actual travel and logistical expenses only (train fare, vehicle fuel, and incidental costs);*



- c. Waive or set aside the impugned demand of Rs. 2,24,232/- to the extent it includes salaries/per-diem allowances of police personnel;
- d. In the alternative, direct the Government of NCT of Delhi (Home Department) to bear the costs representing police salaries/per-diem, as the same are a State liability and not a burden to be passed on to an under-trial prisoner;
- e. Pass any other order or direction as this Hon'ble Court may deem fit and proper in the interest of justice;
- f. Award costs in favor of the petitioner to deter arbitrary and unauthorized demands by the respondent authorities.

2. The petitioner was granted custody parole for two days *vide* order dated 15.10.2025 passed in W.P.(CRL)5/2025 to enable him to attend the *Fathiha* ceremony of his deceased mother-in-law at Gulbarga, Karnataka *inter alia* with the condition that the expenses of travel, escort and logistics shall be borne entirely by the petitioner's family.

3. Mr. Adil S. Pujari, learned counsel for the petitioner submits that petitioner has received a demand letter dated 07.11.2025 from the Office of the Deputy Commissioner of Police, Nyayik Abhiraksha Vahini, Delhi Armed Police, raising a total charge of Rs. 2,24,232/- towards cost of custody parole as per the following details:

Rank wise deployment	Calculation per shift in Rs.	Total Amount in Rs.
01 SI (05 Shift)	5739x1x5	28695
01 ASI (05 Shift)	4783x1x5	23915
02 HC (05Shift)	4232x2x5	42320
03 CT (05Shift)	3658x3x5	54870
01 HC (Dvr.) (01 Shift)	4232x1x1	4232
01 CT (Dvr.) (01 Shift)	3658x1x1	3658
Train Fare	34520+29120	63640
Jail Van Expenses	1451+1451	2902
Total Cost		Rs. 224232/-



4. The learned counsel submits that the demand includes salaries of the police officials calculated on a shift wise basis which bears a substantial portion of the total amount. According to him, the actual travel expense of the petitioner and the escort staff including Jail Van Expenses is only to the extent of Rs. 66,542/- which the petitioner is willing to pay. He states that the salary and allowances of police personnel are not 'expenses' incurred for the parole and are statutory emoluments payable by the State to its employees for their regular duties and to charge the petitioner for the same, amounts to an unauthorized levy not sanctioned by the Courts' order.

5. It is also submitted that Rule-1203 of the Delhi Jail Manual, 2018 which governs the custody parole does not contain any provision requiring the prisoner to bear the salary of the escorting police personnel and the only costs contemplated are those incidental to the actual travel expenses.

6. Mr. Rahul Tyagi, learned Special Public Prosecutor appearing for the respondent submits that the police personnel were specifically deployed to escort the petitioner for travel to Gulbarga, Karnataka and therefore, he is liable to compensate for the salary paid to the escort officials during such period.

7. The import of grant of custody parole is that the undertrial prisoner remains in judicial custody escorted by the police personnel/staff. The State retains full responsibility for the custody and security of the prisoner on parole. The payment of salary to the police personnel is the obligation of the State and escort duty is a function of the State and undertrial prisoner cannot be burdened for the same.



8. The learned Special Public Prosecutor has failed to show any statutory provision authorizing the recovery of salary from an undertrial prisoner. Hence, the Court is of the view that the competent authority can only charge the actual expenses of travel, boarding and lodging of the petitioner and the escorting officials and not the salary of the escorting officials. The demand raised, therefore, needs to be restricted to that extent.

9. The application is accordingly disposed of in terms of the aforesaid order, however, the orders passed may not be treated as a precedent, as the same would depend on the facts and circumstances of the case.

RAVINDER DUDEJA, J

APRIL 10, 2026/lks