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

+ **W.P.(CRL) 17/2025 & CRL.M.A. 146/2025**

VIDHY A BHUSHAN@ SHASHI BHUSHAN @ GUDDU

.....Petitioner

Through: Mr. Archit Upadhayay, Advocate
(DHCLSC) through VC

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC (CRL)
along with Mr. Ajit Sharma and Mr.
Nikunj Bindal, Advocates and SI
Amandeep, PS Aman Vihar.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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05.03.2025

1. The present petition under Article 226 of the Constitution of India read with Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) has been filed on behalf of Petitioner seeking quashing of the rejection Order No. F.18/36/2024/HG/2496 Dated 21.10.2024 ('impugned order') and directing the Respondent to release the Petitioner on a parole.

2. It is stated that on 20.05.2024, the Petitioner had applied for parole before the Home Department, Govt of NCT of Delhi and vide impugned order the said application was rejected on the ground which reads as under:

“1. The convict is not entitled for parole in view of Rule 1210 sub rule (II) of Delhi Prison Rules-2018, which states that: -



Rule 1210 sub rule (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”. In this case, punishment dated 10.06.2023 was awarded to the above said convict. He was not eligible for parole as per Rule 1271 of Delhi Prison Rules, 2018.

2. Further, as per nominal, the last one year jail conduct and overall jail conduct of said convict was reported to be unsatisfactory. Superintendent Jail has also not recommended grant of parole to him.”

3. The Petitioner is currently lodged in Central Jail No. 02, Tihar, Delhi, and as per the Nominal Roll dated 17.01.2025 he has undergone incarceration of about 15 years and 08 months 41 days, after including the period of remission.

4. Learned counsel for the Petitioner states that while passing the impugned order, nominal roll dated 20.05.2024 was considered which recorded the conduct unsatisfactory due to a punishment ticket dated 10.06.2023 issued to the Petitioner for minor punishment. He states that in view of the fact that a period of one year has since expired, therefore, the Petitioner is now entitled to be considered for parole.

4.1. He further states that even as per the case of the Respondent it was a minor offence and punishment was awarded accordingly.

4.2. He states that the Petitioner seeks parole to re-establish social ties with the society and family members.

4.3. He states that on earlier occasion as well the Petitioner has been released twice on furlough vide orders dated 15.12.2022 and 15.05.2023 and



has never misused this liberty.

5. Learned APP states that Petitioner was granted furlough in May, 2023 for a period of three (3) weeks and the convict duly surrendered on 07.06.2023. He states however the convict was issued punishment ticket dated 10.06.2023.

5.1. He states that as per record before this Court, no further punishment ticket has been awarded to the Petitioner.

6. This Court has heard the parties and and has perused the material on record.

7. This Court has gone through the Nominal Roll dated 17.01.2025 of the Petitioner, which reveals that the Petitioner has been working as a *safai panja sahayak* in Central Jail No. 2, Tihar, New Delhi. The conduct of the Petitioner in the jail has been reported to be satisfactory for the past one year.

8. Last punishment ticket was issued to the convict on 10.06.2023. This was the sole ground for rejection of Petitioner's parole application. Nearly 01 year 09 months has lapsed since then. Thereafter, no major or minor punishment has been awarded to the convict. Therefore, the Petitioner is now eligible for release on parole as per Rule 1210(II) of Delhi Prison Rules, 2018.

9. As per the Nominal Roll the Petitioner herein was granted furlough twice for period of 03 weeks on two occasions i.e. 19.01.2023 and 17.05.2023; and the Petitioner duly surrendered each time without misusing the liberty granted to him. The Petitioner has remained incarcerated since 07.06.2023 without parole or furlough.



10. Needless to say, while dealing with an issue which relates to grant of parole to a convict, the Courts are required to balance the interests of convict as well as of the society. However, the Courts are also required to consider cases, such as present one, with sensitivity and compassion, and an opportunity may be provided to a convict to re-establish social ties.

11. In view of the above, the Petitioner is enlarged on parole for a limited period of four (4) weeks from the date of release subject to the following conditions:

- i. The Petitioner shall furnish a personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand only) with one surety of the like amount to the satisfaction of the Jail Superintendent.
- ii. The Petitioner shall also provide the Jail Superintendent with mobile telephone number which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation.
- iii. The Petitioner shall not leave India during the period of parole.
- iv. The Petitioner shall not indulge in any criminal activity during the period of parole and shall not communicate with or come in contact with the family of the deceased in any manner or go near their residence at any time.
- v. The Petitioner is directed to surrender before the jail authorities at the expiry of the period of parole.
- vi. The Petitioner shall report to the jurisdictional SHO i.e., P.S. Athmal Gola, Dist. Patna, Bihar once in two (2) weeks, i.e., on 1st and 4th Monday of the parole at 04:00 PM. The concerned officer is directed



to release him by 04:30 PM after recording his presence and completion of all formalities.

12. The concerned I.O. at P.S Aman Vihar will duly inform the jurisdictional SHO of P.S. Athmal Goal about the release of the Petitioner on parole and the condition of reporting.

13. With the above directions, the petition stands disposed of. Pending application, if any, also stands disposed of

14. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

15. 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

MARCH 5, 2025/mt/ms

Click here to check corrigendum, if any