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

+ **W.P.(CRL) 371/2026**

CHHOTE LAL

.....Petitioner

Through: **Mr. Arhum Sayeed, Advocate
(DHCLSC)**

versus

STATE OF NCT OF DELHI

.....Respondent

Through: **Mr. Yasir Rauf Ansari, ASC.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **10.02.2026**

1. By way of this petition under Article 226 of the Constitution of India, the petitioner seeks grant of parole.
2. Although the prayer in the petition refers to a period of eight weeks, Mr. Arhum Sayeed, learned counsel for the petitioner, restricts the relief sought to the period of four weeks.
3. The petitioner is serving a sentence of rigorous imprisonment for a period of five years, having been convicted of offences punishable under Sections 354/354A of the Indian Penal Code, 1860, and Section 10 of the Protection of Children from Sexual Offences, 2012 ["POCSO"].
4. His appeal [Crl. Appeal No. 78/2025] against the judgment of conviction dated 03.08.2024 and order on sentence dated 05.11.2024, was dismissed by this Court *vide* judgment dated 11.11.2025.
5. The ground on which parole is sought is that the petitioner wishes



to move a Special Leave Petition before the Supreme Court assailing the judgment dated 11.11.2025.

6. The petitioner's request has been rejected *vide* the impugned order dated 16.01.2026 citing Rule 1211 (vii) of the Delhi Prison Rules, 2018, which reads as follows:

"In the following cases, parole shall not be granted, except if in the discretion of the competent authority special circumstances exist for grant of parole;

xxx xxx xxx
(vii) *If the prisoner is convicted under POCSO. In this case, the above said convict was found guilty for the offence punishable under POCSO Act."*

7. I have heard Mr. Sayeed and Mr. Ansari, learned Additional Standing Counsel for State.

8. Although Rule 1211 (vii) provides that a convict under POCSO is not entitled to the benefit of parole, an exception is carved out in the event of "*special circumstances*". This Court has in the past, granted parole for the purposes of filing of a Special Leave Petition, considering it to be a "*special circumstance*".

9. Relying upon several earlier decisions, including *Neeraj Bhatt v. The State (Govt. of NCT) of Delhi*¹, *Sunil Sharma v. the State NCT of Delhi*², and *Pappu v. the State NCT of Delhi*³, this Court in *Mohd. Iqbal v. State of NCT of Delhi*⁴, held as follows:

"9. A plain reading of the above provision makes it abundantly clear that the restriction imposed therein is not absolute. The rule itself carves out an exception, empowering the competent authority to consider grant of parole even to a convict under the POCSO Act, provided that "special

¹ 2023 SCC OnLine Del 32.

² W.P.(Crl.) 2924/2025, decided on 13.10.2025.

³ W.P.(Crl.) 713/2025, decided on 25.07.2025.

⁴ W.P.(CRL.) 3419/2025, decided on 12.11.2025 [hereinafter, "*Mohd. Iqbal*"].



circumstances” exist warranting such indulgence. Thus, the discretion of the competent authority is not absolute, and each case must be examined on its own facts to ascertain whether such special circumstances are made out.

10. It is no more res integra that filing of an SLP before the Hon’ble Supreme Court qualifies as a “special circumstance” for considering application seeking grant of parole by a convict falling under the bar of Rule 1211.⁵

10. In *Mohd. Iqbal*, parole was granted to the convict therein on the same ground.

11. In view of the above authorities with regard to the interpretation of Rule 1211(vii), the petitioner is also entitled to be released on parole for the purpose of filing a Special Leave Petition.

12. Pursuant to order dated 03.02.2026, Mr. Ansari has handed over a status report dated 05.02.2026, which is taken on record. It is stated therein, that the petitioner’s address (H. No. C-24, Gali No.19, Chanchal Park, Bakkarwala, Delhi) has been duly verified. The house is owned by the petitioner. His wife, son, and daughter-in-law are residing at the same address.

13. The petition is, therefore, allowed and it is directed that the petitioner be released on parole for a period of four weeks from the date of release, subject to 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, to the satisfaction of the concerned Jail Superintendent.
- ii. The petitioner shall reside at the address mentioned in paragraph 12 hereinabove. He will not change his address without informing the SHO

⁵ Emphasis supplied.



of the concerned jurisdiction.

iii. The petitioner will report to the jurisdictional SHO on every Monday at 11 A.M., and will be released after completion of formalities within a period of one hour.

iv. The petitioner will not contact or visit the prosecutrix or any member of her family or attempt to cause any harassment, intimidation, or undue influence upon them.

v. The petitioner will furnish his mobile number to the Jail Superintendent and jurisdictional SHO, which will be kept operational at all times. In the event of any change of mobile phone number, the SHO and the Jail Superintendent will be informed in advance.

vii. The petitioner will not indulge in any criminal activity during the period of parole.

viii. The petitioner will surrender before the Jail Superintendent upon the expiry of the period of his parole. At the time of his release, the Jail Superintendent will inform him in writing of the date and time, by which he is required to surrender.

14. The present writ petition is disposed of in the above terms.

15. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.

PRATEEK JALAN, J

FEBRUARY 10, 2026/SV/JM/