



\$~16

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

+ **W.P.(CRL) 385/2026**

FAISAL ALAM @ SHARUKH@MOTA

.....Petitioner

Through: Mr. Arhum Sayeed, Adv.
(DHCLSC) with Mr. Rahil Ahmed,
Adv.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amol Sinha, ASC for State and
SI Rohitash Yadav, PS.: Neb Sarai.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

25.02.2026

%

1. By virtue of the present petition under *Article 226* of the Constitution of India read with *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks issuance of a writ of certiorari quashing the Rejection Order dated 26.12.2025 (***Rejection Order***) passed by the Competent Authority as also a writ of mandamus directing release of the petitioner on parole for a period of *eight weeks*; on the ground that he wishes to file a Special Leave Petition (***SLP***) before the Hon'ble Supreme Court against the order dated 21.08.2025 passed by this Court in Criminal Appeal No.770/2024.

2. *Succinctly put*, this Court *vide* the aforesaid order dated 21.08.2025 dismissed the appeal preferred by the petitioner thereby upholding the judgement on conviction dated 21.07.2023 as well as order on sentence dated 13.02.2024 passed by the learned ASJ, Special Court (POCSO), South District, Saket Courts, New Delhi (***learned ASJ***) in SC



No.129/2017 arising out of FIR No.857/2016 registered at PS: Neb Sarai, whereby the petitioner was found guilty of offences under *Section 6* of the Protection of Children from Sexual Offences Act, 2012 (**POCSO Act**) and *Sections 377/367/506* of the Indian Penal Code, 1860 (**IPC**), and sentenced to undergo rigorous imprisonment for a period of *twelve years* alongwith fine of Rs.40,000/-. Aggrieved thereby, the petitioner intends to file an SLP before the Hon'ble Supreme Court, as also wishes to maintain his family relations and curb his depression. Therefore, he made an application before the Competent Authority for grant of parole, wherein the Rejection Order was passed.

3. Learned counsel for the petitioner primarily submits that the Rejection Order is contrary to law, and violates the right of the petitioner to pursue his final remedy before the Hon'ble Supreme Court, for which he wishes to engage a counsel of his choice as also needs to arrange the necessary funds. Since the same is a right guaranteed to the petitioner under *Article 22* of the Constitution of India, as well as *Section 303* of the Code of Criminal Procedure, 1973, and since the petitioner has been in incarceration for over *12 years*, his parole application ought to have been allowed by the Competent Authority.

4. Learned counsel further relies upon various decisions of Co-ordinate Benches of this Court being order dated 06.01.2023 in W.P. (Crl.) 29/2023 entitled '**Parsu Ram vs. State (GNCT of Delhi)**', order dated 06.08.2024 in W.P. (Crl.) 3296/2023 entitled '**Shivam Singh@Nanhe vs. State of NCT of Delhi**' and order dated 12.11.2025 in W.P. (Crl.) 3419/2025 entitled '**Mohd. Iqbal vs. State of NCT of Delhi**' to submit that mere imposition of minor/ major punishments on the petitioner in the past



or his conviction under POCSO Act are not a bar to grant of parole, especially when the reason for which parole is sought is to file an SLP.

5. Based thereon, learned counsel submits that the petitioner is entitled for grant of parole, and prays that the Rejection Order be set aside.

6. Issue notice.

7. Learned ASC for the State accepts notice.

8. Perusal of the Rejection Order reveals that parole has mainly been denied to the petitioner due to his conduct while in prison as well as his conviction under the POCSO Act, in view of *Rule 1210(II)* as well as *Rule 1211(VII)* of the Delhi Prison Rules, 2018. However, as per the Nominal Roll, the last punishment awarded to the petitioner was way back in the year 2021, as his next alleged misconduct on 07.06.2025 has still not been finally decided, and no punishment has been awarded yet. Further, as also evident from the legal position, it is now trite that the right to seek the ultimate remedy before the Hon'ble Supreme Court is vital, and ought not to be denied to a convict like the petitioner herein, even if his conviction is under the POCSO Act. The same has also been reinforced by this Court in its recent decision dated 13.01.2026 in W.P. (Crl.) 107/2026 entitled '**Danish vs. State of NCT of Delhi**'.

9. In view of the aforesaid, this Court is of the view that, in the facts and circumstances involved as also considering the position of law, the petitioner has been able to make out a case for grant of parole, *albeit* for a period of *four weeks*.

10. Accordingly, the petitioner, convicted in SC No.129/2017 arising out of FIR No.857/2016 registered at PS: Neb Sarai under *Section 6* POCSO Act and *Sections 377/367/506* IPC is directed to be released on



parole for a period of *four weeks* from the date of his release, subject to him furnishing 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, and further subject to the following conditions:-

- i. During the period the petitioner remains out on parole, the petitioner shall not leave NCT of Delhi and report to the SHO, PS: Neb Sarai on every Saturday.
- ii. The petitioner shall also provide the SHO, PS: Neb Sarai with a mobile telephone number which shall be kept in working condition at all times with location kept on at all times.
- iii. The petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the complainant/ victim/ survivor or any member of the complainant/ victim/ survivor's family or tamper with the evidence of the case.
- iv. The petitioner is directed to surrender before the Jail Authorities on the expiry of the period of parole at or before 04:00 PM.

11. Copy of the present order be sent to the concerned Jail Superintendent for information and necessary compliance.

12. The present petition is allowed and disposed of in the aforesaid terms.

SAURABH BANERJEE, J

FEBRUARY 25, 2026/bh