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

+ **W.P.(CRL) 743/2026**

RAJESH GAMBHIR

.....Petitioner

Through: Mr. Satyam Thareja (DHCLSC) and
Mr. Shaurya Katoch, Advs.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Rahul Tyagi, ASC for the State
with Mr. Sangeet Sibou, Mr. Aniket
Kumar Singh and Mr. Priyansh Raj
Singh Senger, Advs.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

27.04.2026

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1. By way of the present writ petition, the petitioner seeks grant of parole for a period of 8 weeks, on the ground to file SLP before the Hon'ble Supreme Court and for maintaining social and family ties.
2. In the present case, the petitioner was arrested in connection with FIR No. 456/2016, registered at Police Station Ashok Vihar, Delhi, for offences under Sections 354A, 354D, 509 and 506 of the Indian Penal Code, 1860 (hereafter '*IPC*') and Sections 67 and 67A of the Information Technology Act, 2000 (hereafter '*IT Act*'). *Vide* judgment dated 26.03.2024, the petitioner was convicted by the learned Trial Court under Sections 354A(iii), 354D, 509 and 506 of the IPC; Section 67B of the IT Act; and Sections



11(v), 12, 13 and 14 of the POCSO Act. *Vide* order on sentence dated 02.12.2024, the petitioner was sentenced to rigorous imprisonment for three years under Section 12 of the POCSO Act, one year under Section 506 IPC, and five years each under Section 14 of the POCSO Act and Section 67B of the IT Act, with all sentences directed to run concurrently. The petitioner's appeal (CRL.A. 141/2025) was dismissed by the Delhi High Court on 28.07.2025, and he now intends to file a Special Leave Petition before the Hon'ble Supreme Court of India.

3. The learned counsel for the petitioner submits that the sole ground for rejection of the petitioner's application for grant of parole by the competent authority was that the petitioner had not completed one year of incarceration, excluding the period of under-trial detention and any remission. It is further submitted that the petitioner has now completed the requisite period of one year and is, therefore, entitled to be considered for grant of parole.

4. The learned APP for the State submits that the petitioner has now completed one year of incarceration and, in terms of Rule 1210(1) of the Delhi Prison Rules, 2018, is eligible to seek parole.

5. This Court has **heard** arguments addressed by the learned counsel for the applicant and the learned APP for the state, and has perused the material available on record.

6. By way of the present writ petition, the petitioner is seeking the following relief:

"Issue writ in the nature of certiorari quashing the Order No. F.18/92/2025/HG/PRISONS/ 3734 DT. 05.12.2025 passed by the competent authority vide which the application for parole of the Petitioner has been rejected and also Issue a writ in the nature of Mandamus directing the Respondent to release the Petitioner on parole



for a period of 8 weeks for filing SLP before Hon'ble Supreme Court and for maintaining social & family ties”

7. This Court observes that the sole ground on which the competent authority rejected the petitioner's application for grant of parole was that, in terms of Rule 1210(1) of the Delhi Prison Rules, 2018, the petitioner had not completed one year of incarceration. Rule 1210(1) of the Delhi Prison Rules, 2018, is reproduced hereinbelow:

“...Rule 1210 sub rule (1):-A convict must have served at least the period of one year in prison excluding under-trial period and any period covered by remission. However, inexceptional cases, where the prisoner has spent more than 3 years as under trial period or half of the sentence of the punishment awarded as under trial then his parole application may be considered, if he has spent at least 6 months in prison as convict. In this case, the above said convict has been awarded sentence of 05 years. He is only served 10 months as a convict in prison. Further, a minimum one year conviction period is to be required in become eligible for grant of parole...”

8. Therefore, in view of the fact that the petitioner has completed one year of incarceration, as informed by the learned APP for the State, and is now eligible for parole in terms of Rule 1210(1) of the Delhi Prison Rules, 2018, this Court is inclined to grant parole to the petitioner.

9. In this view of the above, the present petition is allowed. The petitioner is granted parole for a period of four weeks, subject to 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, who shall be a family member of the petitioner, to the satisfaction of the learned trial court.
- ii. The petitioner shall report to the SHO of the local area, once a week on every Sunday at 10:00 AM, and shall not leave the National Capital Territory of Delhi during the period of parole.



- iii. The petitioner shall furnish a telephone number to the Jail Superintendent on which he can be contacted, if required. After his release, he shall also inform his telephone number to the SHO of the police station concerned.
 - iv. Immediately upon the expiry of period of parole, the petitioner shall surrender before the Jail Superintendent.
 - v. The petitioner shall furnish a copy of the SLP filed in the Supreme Court to the Superintendent Jail at the time of surrendering.
 - vi. The period of parole shall be counted from the day when the petitioner is released from jail.
10. In the above terms, the present writ petition alongwith pending application, stands disposed of.
 11. A copy of this order be sent by the Registry to the Jail Superintendent.
 12. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

APRIL 27, 2026/zp
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