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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 809/2026**
UMESH PASWANPetitioner

Through: Ms. Astha (DHCLSC) with Ms.
Megha Singh, Advocates.

versus

STATE OF NCT OF DELHIRespondent
Through: Mr. Yasir Rauf Ansari, ASC with SI
Mukesh Kumar.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

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16.03.2026

1. The present petition has been filed under Section 226 of the Constitution of India read with Section 528 of *Bharatiya Nagarik Suraksha Sanhita*, 2023 whereby the petitioner seeks quashing of order dated 17.02.2026 passed by the respondent whereby his request for his release on *parole* for a period of eight weeks has been declined.
2. It is submitted that a bare perusal of the rejection order would indicate that the order is not only erroneous but without any application of mind.
3. Petitioner was held guilty for committing offences under Sections 376/506 IPC and was convicted and sentenced by the learned Trial Court vide order dated 27.11.2024.
4. The maximum sentence handed out to him was of twelve years.
5. Petitioner challenged the abovesaid conviction and order on sentence by filing an appeal and his such appeal i.e. CRL. A. 279/2025 has been dismissed by learned Coordinate Bench of this Court on 28.11.2025.
6. Petitioner, in order to file a *Special Leave Petition* challenging the abovesaid dismissal of his appeal, sought *parole*. He had already undergone a

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period of more than one year as convict and despite his conduct being satisfactory, his request for *parole* has been declined.

7. The rejection order reads as under:-

*"With reference to the proposal in respect of the above said convict for grant of parole received in this office through e-Parole module, it is to inform that after due consideration, the Principal Secretary (Home) has **rejected** the proposal in the light of the following:-*

(i) The above said convict is not eligible for grant of parole in view of Rule 1210 (I) of Delhi Prison Rules, 2018, which provides that:-

Rule 1210 sub rule (I)- "A convict must have served at least the period of one year in prison excluding undertrial period and any period covered by remission. However, in exceptional cases, where the prisoner has spent more than 03 years as undertrial period or half of the sentence of the punishment awarded as undertrial then his parole application may be considered, if he has spent at least 06 months in prison as convict". In this case, the above said convict has been awarded sentence of 12 years. He has only spent 01 year, 01 month and 15 days as a convict. Further, a minimum one year conviction period excluding undertrial period and any period covered by remission be required to become eligible for grant of parole.

The convict may be informed accordingly."

8. There is apparently, some erroneous observation in the abovesaid rejection order as despite quoting the relevant rule to the effect that the convict must have served at least period of one year in prison, excluding under trial period and period of remission, and despite noticing the fact that he has spent one year, one month and fifteen days as a convict, the request has been declined.

9. Learned ASC for State appears on advance notice and, in all fairness, admits that the rejection seems to be premised on non-appreciation of facts and, since the conduct for the last one year was found satisfactory, even as per the Nominal Roll, and since the mandatory period of one year, as convict, has already been undergone by the petitioner, the *parole* should have been



granted to him, particularly, when the petitioner was desirous of filing an *Special Leave Petition* before the Hon'ble Supreme Court.

10. The Nominal Roll has been placed on record, which also indicates his overall conduct to be satisfactory.

11. As per Rule 1208 of *Delhi Prison Rules, 2018*, the competent authority can consider any such application for grant of parole in case any such convict wants to file *Special Leave Petition* before the Supreme Court of India against the judgment delivered by the High Court convicting or upholding the conviction, as the case may be.

12. It seems that aforesaid Rule has also escaped the attention of the Competent Authority, while declining the aforesaid request.

13. In view of the above, the present petition is allowed. Petitioner is granted parole for a period of four weeks, subject to the following conditions:-

- (i) The petitioner shall furnish personal bond in a sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the Jail Superintendent.
- (ii) The address, where the petitioner would be residing after his release, shall be revealed in advance and Jail Superintendent will be at liberty to get the same verified, before accepting the bonds.
- (iii) The petitioner shall furnish his contact number, if required.
- (iv) Immediately upon the expiry of period of parole, the petitioner shall surrender before the Jail Superintendent.
- (v) The petitioner shall furnish copy of SLP as proposed to be filed in the Supreme Court to the Superintendent Jail at the time of



surrendering. A copy of such SLP shall also be placed on record of this case.

(vi) The period of parole shall be counted from the day, the petitioner is released from jail.

14. Pending application stands disposed of in aforesaid terms.

MANOJ JAIN, J

MARCH 16, 2026/sw/pb