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

+ **W.P.(CRL) 827/2026**

NIKHIL KUMAR

.....Petitioner

Through: Mr. Sumer Singh Boparai, Mr. Sirhaan Seth, Mr. Surya Pratap Singh, Mr. Abhilash Kr. Pathak, Mr. Shubham Raj Anand, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Rahul Tyagi, ASC (Crl) for State with Mr. Sangeet Sibou, Mr. Aniket Kumar Singh and Mr. Priyansh Raj Singh Senger, Advocates with ASI Vikram Singh, PS: Kharwal Nagar, Delhi.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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15.05.2026

1. By way of the present writ petition, the petitioner seeks issuance of a writ in the nature of certiorari for quashing the rejection order bearing No. F.18/113/2025/HG/PRISONS/4271-74 dated 09.01.2026, passed by the competent authority, and further seeks grant of parole for a period of four weeks on the ground of maintaining social and family ties.
2. In the present case, the petitioner was arrested in connection with FIR No. 469/2017 registered at Police Station Karawal Nagar, Delhi, for offences punishable under Section 354A Indian Penal Code, 1860 (hereafter



‘IPC’) and Section 10 of the Protection of Children from Sexual Offences Act, 2012 (hereafter ‘POCSO Act’). The petitioner was sentenced to rigorous imprisonment for five years with payment of fine of Rs. 5,000/- for the offence under Section 10 of the POCSO Act, and rigorous imprisonment for six months with payment of fine of Rs. 2,000/- for the offence under Section 354A IPC. Further, the appeal preferred by the petitioner, being CRL.A. 781/2023, came to be dismissed by this Court *vide* judgment dated 09.08.2024.

3. The learned counsel for the petitioner submits that the petitioner is currently confined in Central Jail No. 14, Mandoli Jail, New Delhi and has already undergone incarceration of more than one year and six months. He also contends that the application for parole has been rejected solely on the ground that petitioner has been convicted for the offence under Section POCSO Act. Therefore, it is prayed that the petitioner be granted parole for a period of four weeks.

4. The learned ASC 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 ASC for the state, and has perused the material available on record.

6. This Court observes that the ground on which the competent authority has rejected the petitioner’s application for grant of parole *vide* its Rejection Order dated 09.01.2026, is reproduced hereunder:

“...1. As per Rule 1211 sub rule (vii) of Delhi prison rules 2018 which provide that: - "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:

(vii) if the prisoner is convicted under POCSO: in this case the abovesaid convict was found guilty for the offence punishable under POCSO act.

2. Further police authority has stated that the possibility of adverse impact on law and order and the security in the area on releasing of convict on parole cannot be ruled out. The possibility of adverse impact on victim party, on release of convict also cannot be ruled out as the victim party also resides in the same vicinity of the convict 's residence. There is possibility of jumping parole and commuting similar offence by the above said convict...”

7. This Court notes that the petitioner has undergone incarceration for a period of one year and six months, as informed by the learned ASC for the State. It is further noted that the overall jail conduct of the petitioner has been satisfactory. Further, the petitioner is now eligible for parole in terms of Rule 1210(1) of the Delhi Prison Rules, 2018.

8. In view of the foregoing discussion, 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 Jail Superintendent.
- 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 the period of parole, the petitioner shall surrender before the Jail Superintendent.
- v. The period of parole shall be counted from the day when the petitioner is released from jail.
- 9. In the above terms, the present writ petition alongwith pending application, stands disposed of.
- 10. A copy of this order be sent by the Registry to the Jail Superintendent.
- 11. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MAY 15, 2026/vc/r