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

+ W.P.(CRL) 1622/2026, CRL.M.A. 16231/2026

V

...Petitioner

Through: Ms. Pallavi Garg (DHCLSC) and
Ms. Sanjana Sharma Sahu, Advs.

versus

STATE OF NCT OF DELHI

...Respondent

Through: Mr. Yasir Rauf Ansari, ASC for
State with SI Deepika, PS:
Timarpur

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

20.05.2026

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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 against the impugned Rejection Order No.F.18/13/2026/HG/Prisons/5760-62 dated 13.04.2026 passed by the Competent Authority, as also directions to release the petitioner on parole for a period of *four weeks* for filing a Special Leave Petition (*SLP*) before the Hon'ble Supreme Court.

2. *Succinctly put*, this Court *vide* order dated 27.11.2025 in CRL.A. 1060/2018 dismissed the appeal preferred by the petitioner thereby upholding the judgement on conviction dated 29.05.2018 as well as order on sentence dated 03.07.2018 passed by the learned Trial Court arising out of FIR No.75/2015 registered at PS: Timarpur whereby the petitioner has been sentenced to undergo rigorous imprisonment for a cumulative period



of *ten years* along with payment of fine under *Section 6* of the Protection of Children from Sexual Offences Act, 2012 (***POCSO Act***) and *Section 506* of the Indian Penal Code, 1860 (***IPC***). Being aggrieved by the said order dated 27.11.2025 and intending to file an SLP before the Hon'ble Supreme Court, the petitioner made a representation before the Competent Authority seeking grant of parole which was rejected *vide* the impugned order citing *Rule 1211(VII)* of the Delhi Prison Rules, 2018 (***Rules***).

3. Learned counsel for petitioner primarily submits that it is the fundamental right of the petitioner under the Constitution of India to be represented by a counsel of his choice in order to pursue the final remedies available to him in the form of an SLP, for which he requires grant of parole. He has also relied upon the order dated 27.03.2026 passed by this Court in W.P.(Crl.) 980/2026, as also numerous orders passed by Coordinate Benches of this Court wherein filing of an SLP before the Hon'ble Supreme Court has been unequivocally held to constitute a special circumstances and petitioners convicted under the POCSO Act have also been granted parole, thereby not treating the bar under *Rule 1211(VII)* of the Rules as absolute. He lastly submits that the petitioner has already undergone about *four years and three months* in incarceration, and his conduct while in custody has been satisfactory.

4. Issue notice. Learned ASC for the State accepts notice.

5. Taking an overall view of the facts and circumstances involved, especially the jurisprudential intent behind parole and the fundamental right of the petitioner to file an SLP before the Hon'ble Supreme Court, for which he needs to be represented by a counsel of his choice to pursue the said remedy, the petitioner herein 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 by a family member/ friend having no criminal case pending against him/ her, as also subject 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: Timarpur on every Saturday.
 - ii. The petitioner shall also provide to the SHO, PS: Timarpur, his mobile number which shall be kept in working condition 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 Superintendent on the date of expiry of the period of *four weeks* of parole at or before 04:00 PM.
7. Copy of this order be sent to the concerned Jail Superintendent for information and necessary compliance.
8. The present petition is allowed and disposed of in the aforesaid terms.

SAURABH BANERJEE, J

MAY 20, 2026/So