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

\# **CNR No. DLHC010458782026**

\+ W.P.(CRL) 2990/2026

DEEPAK .....Petitioner

Through: Mr. Chetan Bhardwaj and Mr. Priyal Bhardwaj, Advocates

versus

STATE GNCT OF DELHI .....Respondent

Through: Mr. Sanjay Lao, Standing Counsel (Criminal) for State with Ms. Priyam Agarwal, Advocate
SI Sheetal, PS Mangolpuri

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

O R D E R

% 03.11.2026

1. The present writ petition has been filed seeking quashing of the rejection order dated 7th September, 2026, passed by the respondent. As per the rejection order, the petitioner's application for grant of parole was rejected by the respondent on the ground that the petitioner failed to surrender despite directions passed by this Court.

2. The petitioner was convicted by the Trial Court in FIR No.284/2004 by judgment dated 25th January 2008 and was sentenced to undergo rigorous imprisonment for a period of 7 years under Section 376 of the Indian Penal Code, 1860 ("IPC") and rigorous imprisonment for 3 years under Section 366 of the IPC, with both sentences to run concurrently.

3. The petitioner preferred an appeal, being Crl. Appeal No.274/2008,

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against the aforesaid judgment on conviction and the sentencing order before this Court. *Vide* judgment dated 7th November 2025 passed in the said appeal, the petitioner's conviction was upheld, but the sentence for the offence under Section 376 IPC was modified to 4 years' rigorous imprisonment while maintaining the remaining sentence and concurrent running of the sentences.

4. Earlier, the petitioner had approached this Court *vide* W.P.(Crl.) 2805/2026 for grant of parole. The said petition was disposed of *vide* order dated 15th September, 2026 granting liberty to the petitioner to challenge the impugned rejection order dated 7th September, 2026. Hence, the present petition has been filed challenging the said order.

5. The petitioner seeks release on parole for a period of four (4) weeks in order to re-establish and maintain social ties and to file a review petition before the Supreme Court.

6. The parole application of the petitioner was rejected by the respondent *vide* order dated 7th September, 2026. The relevant extracts of the said order are set out below:

> *"1. The Police authority strongly opposed the grant of parole to said convict and informed that the convict's wife and brother are competent to pursue the petition on his behalf. Moreover, the conduct of the convict clearly reflects his disregard for the orders of the Hon'ble Court, as he failed to surrender despite the specific directions issued by the Hon'ble Delhi High Court. In these circumstances, there is a strong likelihood that, if released on parole, the convict may abscond or misuse the concession of parole."*

7. Counsel for the petitioner submits that the impugned order fails to take into account that the petitioner had not surrendered in view of the order passed by the Supreme Court in SLP (Crl.) Diary No.69812/2025 dated 16th

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February, 2026, granting the petitioner four (4) weeks' time to surrender. Subsequently, the SLP filed by the petitioner has been dismissed by the Supreme Court and the petitioner duly surrendered on 6th March, 2026.

8. Status report has been filed on behalf of the State. As per the status report, the petitioner was directed to surrender within a period of seven (7) days pursuant to the order dated 7th November 2025 passed by this Court in Crl. Appeal No. 274/2008, modifying the sentence. However, the petitioner did not surrender. It is stated that the petitioner has thereafter surrendered before the concerned Court in pursuance of the aforesaid order passed by the Supreme Court and was sent to judicial custody on 6th March 2026.

9. The verification report has been handed over in Court and the same is taken on record. As per the verification report, the address of the petitioner has been verified.

10. Nominal Roll has been received. As per the Nominal Roll, the petitioner has undergone more than 2 years and 6 months of sentence with remission. The petitioner has not been involved in any other case and his overall jail conduct has been satisfactory.

11. It is apparent that the delay in surrendering was on account of the SLP preferred by the petitioner that was pending before the Supreme Court and, upon dismissal of the same, the petitioner duly surrendered on 6th March, 2026. As regards the apprehension of the petitioner absconding, the verification report confirms that his address has been duly verified.

12. Accordingly, the petition is allowed and the impugned rejection order is set aside. The petitioner is directed to be released on parole for a period of four (4) weeks from today, subject to furnishing a personal bond of Rs.15,000/- with one surety of the like amount to the satisfaction of the

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concerned Jail Superintendent, and subject to the following conditions:

i. The petitioner shall remain at his residence during the period of his release and his ordinary place of residence shall be: *House No. F-1123, F Block, Mangolpuri, Delhi*.

ii. The petitioner will report once a week to the SHO of the concerned Police Station.

iii. The petitioner shall furnish his telephone number to the said SHO, which the petitioner will keep operational at all times.

iv. The petitioner shall surrender before the Jail Authorities at the expiry of the period of parole.

v. The period of parole shall be counted from the day when the petitioner is released from Jail.

13. With the aforesaid directions, the petition stands disposed of.

14. Copy of the order be forwarded to the Jail Superintendent for necessary compliance.

AMIT BANSAL, J

NOVEMBER 3, 2026
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