



2026:DHC:9280



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 14.10.2026

CNR No. DLHC010451592026

+ W.P.(CRL) 2946/2026

RAJ KUMAR RAJU

.....Petitioner

Through: Ms. Anushkaa Arora, Adv.
(DHCLSC)

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Amol Sinha, ASC (Criminal), Mr.
Kshitiz Garg, Mr. Ashvini Kumar and
Mr. Nitish Dhawan, Advs. for State.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. The petitioner, a convict undergoing imprisonment for life, has filed the present petition filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, assailing an order no. F.18/13/2026/HG/PRISONS/6795-97, dated 25.06.2026, whereby the Home Department, Govt. of NCT of Delhi, rejected the petitioner's application for parole.

2. Pursuant to the order dated 22.09.2026, the petitioner has filed a legible copy of the impugned order. The impugned order rejects the petitioner's application on the following grounds:

(i) Rule 1210(II) of the Delhi Prison Rules, 2018 (hereinafter "*DP Rules*") applies on account of the prison punishment dated 26.03.2025.

Under that Rule, the conduct of a prisoner who has been awarded a



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major punishment for a prison offence should have been uniformly good for the last two years from the date of application.

(ii) Rule 1211(III) applies, since the petitioner was re-arrested after absconding from parole for about fourteen (14) years.

(iii) The overall conduct of the petitioner is unsatisfactory.

(iv) The DG (Prisons) and Superintendent Jail has not recommended the petitioner's release.

3. Learned counsel for the petitioner makes the following submissions:

(i) The impugned order does not state whether the prison punishment dated 26.03.2025 was major or minor.

(ii) The Nominal Roll records the petitioner's conduct over the last one year as satisfactory.

(iii) The previous overstay cannot serve as a perpetual disqualification.

(iv) Lastly, the impugned order does not consider whether special circumstances exist.

4. There can be no doubt that the petitioner's previous conduct in jumping parole for nearly 14 years is a relevant circumstance. However, the impugned order calls for reconsideration for the following reasons:

(i) Rule 1210(II) prescribes two different periods depending upon whether the prison punishment was major or minor. The impugned order does not state whether the punishment was major or minor. The Nominal Roll dates the punishment as 07.04.2025 and not 26.03.2025, contrary to what has been mentioned in the impugned order. Moreover, the nominal roll records the petitioner's conduct over the last one year as satisfactory. If the punishment was a minor one, the period of one year had already run its course before the impugned order was passed,



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and the first ground would not survive.

(ii) Rule 1211 provides that parole should not be granted in cases enumerated “*except if in the discretion of the competent authority, special circumstances exist for grant of parole*”. The bar on the grant of bail contained in Rule 1211 is therefore not absolute.

5. In this regard, reference may be made to this Court’s observations in ***Rohit v. The State, W.P. (Crl.) 402/2022***, vide order dated 11.05.2022:

“10. The above stated provision of the Delhi Prison Rules, 2018 does not create an absolute bar and the competent authority is vested with a discretion even in cases as stated above for the grant of parole. It is clear that the rejection order did not consider the special circumstances which were required to be considered for the grant of parole.”

(emphasis supplied)

6. It would also be apposite to refer to the observations of another Coordinate Bench of this Court, *qua* Rule 1211 of the DP Rules’ opening words, made in ***Neeraj Bhatt v. The State (Govt. of NCT) of Delhi, W.P. (Crl.) 3071/2022***, vide order reserved on 21.12.2022 and pronounced on 05.01.2023:

“7. The bar in the said rule is not absolute since the competent authority has the discretion, even in such cases, to grant parole, provided there exist special circumstances. Though the special circumstances were to be considered by the competent authority, the impugned order does not refer to the special circumstances and that they were found insufficient for grant of parole, rather it only mentions that the SLP can be filed from the jail itself and that the conduct of the applicant was not satisfactory.”

(emphasis supplied)

7. It is also noticed that the Nominal Roll records the recommendation of the Jail Superintendent as ‘N/A’. The impugned order, however, states that the Superintendent did not recommend parole.

8. This Court also takes note of certain circumstances in favour of the



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petitioner,namely:

- (i) The petitioner has undergone, as per the Nominal Roll, a period of 16 years and 7 days of actual custody, as on 24.07.2026. He has been in continuous custody since re-arrest on 26.03.2025. Further, his conduct in jail for the last one year has been recorded as satisfactory.
 - (ii) The family circumstances, as pointed out by learned counsel for the petitioner, also merit consideration.
9. Accordingly, the petitioner is disposed of with the following directions:
- (i) The impugned order dated 25.06.2026 is set aside.
 - (ii) The competent authority shall consider the petitioner's application and pass a fresh speaking order within a period of four weeks from today. It shall specifically take note of the aforesaid observations. The decision shall be communicated to the Jail Superintendent. If aggrieved, the petitioner shall be at liberty to avail appropriate remedies under law.
10. The petition is disposed of in the above terms.

OCTOBER 14, 2026/cl/vk

SACHIN DATTA, J