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

% ***Date of Decision: 27th November, 2026***

\# **CNR No. DLHC010522852026**

\+ W.P.(CRL) 3409/2026

RAKESH .....Petitioner

Through: Mr. Shannu Baghel with Ms. Sonam Tomar and Mr. Nitin Kala, Advocates.
(M): 9910389196
Email: advshannubaghel@gmail.com

versus

STATE NCT OF DELHI & ANR. .....Respondents

Through: Ms. Rupali Bandhopadhya, ASC with Mr. Abhijeet Kumar, Advocate for the State.
(M): 9818163407
7840058325
Email: asc.rbandhopadhya@gmail.com
SI Rahu, PS Sangam Vihar.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. *(Oral):*

1. The present writ petition has been filed under Article 226 of the Constitution of India, 1950 ("Constitution") read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), seeking quashing of order dated 01st October, 2023, passed by the Home Department, Government of NCT of Delhi ("GNCTD"), rejecting the petitioner's request for grant of parole.

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2. There is further prayer seeking the release of the petitioner, i.e., Rakesh, S/o Kastoor Chand, on parole for a period of 04 (four) weeks, in connection with FIR being *FIR No. 375/2008*, registered at Police Station ("PS") Sangam Vihar, Delhi, under Sections 302/323 of the Indian Penal Code, 1860 ("IPC"), to enable him to re-establish and strengthen his social and family ties.

3. The petitioner has been convicted *vide* judgment dated 29th March, 2012, and sentenced *vide* order dated 30th March, 2012, passed by the Court of Additional Sessions Judge ("ASJ"), Saket Courts, Delhi, in Sessions Case, being *SC No. 497/2008,* in the following manner:

a. Rigorous imprisonment for life along with fine of Rs. 50,000/- (Rupees Fifty Thousand only), in default whereof, to further simple imprisonment for a period of 01 (one) year, for the offence punishable under Section 302 of the IPC; and

b. Rigorous imprisonment for 06 (six) months for the offence punishable under Section 323 of the IPC;

c. Both sentences have been directed to run concurrently.

4. Learned counsel appearing for the petitioner submits that the petitioner is seeking grant of parole to maintain family and social ties.

5. Today, learned Additional Standing Counsel ("ASC") for the State has handed over a copy of a Status Report along with the Nominal Roll, both dated 26th November, 2026, which is taken on record.

6. Learned ASC for the State submits that the earlier request of the petitioner for parole was rejected on the ground that the petitioner was not eligible for parole at that point of time.

7. He submits that the petitioner was earlier released on furlough, however, the petitioner did not surrender on the date fixed and jumped the

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furlough granted.

8. He further submits that the petitioner was subsequently re-arrested on 14th September, 2024, in another case pertaining to *FIR No. 377/2024*, registered at PS Tigri, New Delhi, under Section 25 of the Arms Act, 1959 ("Arms Act").

9. Learned ASC for the State submits that the petitioner already stands acquitted in the said FIR on 20th March, 2026.

10. He, thus, submits that now the petitioner is eligible for parole and the Court may pass appropriate orders accordingly.

11. Having heard learned counsels for the parties, this Court notes that in the Nominal Roll dated 26th November, 2026, the jail conduct of the petitioner for the last one year has been shown as satisfactory.

12. As per Sub Rule (III) of Rule 1211 of Delhi Prison Rules, 2018 ("DP Rules"), parole can be granted, and discretion in this regard vests with the Court. Restriction under the aforesaid Rule is not absolute and the Court can evaluate each case individually considering overall custody behaviour of the prisoner. In this regard reference is made to the decision passed by a Single Judge of this Court in the case of ***Vijay Kumar Versus State (NCT of Delhi), 2026 SCC OnLine Del 7969***, wherein, it has been held as follows:

> *"xxx xxx xxx*
>
> *6. It is pertinent to point out that Rule 1211(III) of the DP Rules opens with the phrase:*
>
> > *"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****:"*
>
> *7.* ***Accordingly, the bar on the grant of parole, contained in Rule 1211(III) of the DP Rules, is not absolute. This has been reiterated by a Co-ordinate Bench of this Court in Rohit v. The State, W.P. (Crl.) 402/2022, vide order dated 11.05.2022****:*

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> *"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."*
>
> *8. It would also be apposite to refer to the observations of this Court in* ***Neeraj Bhatt v. The State (Govt. of NCT) of Delhi, W.P. (Crl.) 3071/2022****, [judgment dated 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."*
>
> *xxx xxx xxx"*
>
> *(Emphasis Supplied)*

13. In the facts and circumstances of the present case, it is to be noted that though the petitioner had earlier jumped the furlough and re-arrested on 14th September, 2024, however, the subsequent conduct of the petitioner has been satisfactory.

14. This Court further notes that the petitioner has prayed to be released on parole for the purposes of re-establishing the social ties. Maintaining and re-establishing family and social ties is a recognised ground for consideration of parole under Rule 1208 of the DP Rules.

15. Furthermore, parole serves as a reformative and rehabilitative purpose and it enables a prisoner to maintain family and social relations and cope with the adverse effects of prolonged incarceration. In the present case, the petitioner has already undergone approximately 18 (eighteen) of incarceration.

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16. This Court also notes that the residential address of the petitioner stands verified by the Police *vide* the Verification Report, as handed over by the learned ASC for the State, which is taken on record.

17. Considering the submissions made before this Court, the present petition is allowed and the impugned order dated 1st October, 2026 passed by the Home Department, Government of NCT of Delhi, is hereby set aside. The petitioner is granted parole for a period of 04 (four) weeks, from the date of his release, subject to the following conditions:

I. The petitioner shall furnish a personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand only), with one surety in the like amount, to the satisfaction of the concerned Jail Superintendent;

II. The petitioner shall furnish his address at which he shall reside during the period of parole to the Jail Superintendent, and shall not reside at any other address during the said period;

III. The petitioner shall furnish to the Jail Superintendent and the jurisdictional Station House Officer ("SHO"), his mobile number, which shall be kept operational at all times. In the event of any change of mobile number, the SHO and the Jail Superintendent shall be informed in advance;

IV. The petitioner shall report to the jurisdictional SHO once a week on every Sunday between 10:00 AM and 11:00 AM, and shall be released after completion of formalities within a period of one hour;

V. At the time of his release, the Jail Superintendent shall inform the petitioner, in writing, of the date and time, by which the petitioner is required to surrender, and the petitioner shall surrender before the Jail Superintendent, upon the expiry of the period of parole;

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VI. The petitioner shall not indulge in any criminal activity during the period of parole;

VII. The petitioner shall not seek any extension of the period of parole.

18. The present petition is accordingly disposed of, in the aforesaid terms.

19. Copy of the order be communicated to the concerned Jail Superintendent for information and necessary compliance.

MINI PUSHKARNA, J

NOVEMBER 27, 2026
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