



2025:DHC:7700



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

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Date of Decision: 03.09.2025+ **W.P.(CRL) 1620/2025**

SHIVA @ UWAN

.....Petitioner

Through: Mr. Gaurav Sharma and Ms.
Aakanksha Sharma, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Anand V. Khatri, ASC for the
State with Ms. Nandini Vasundhara,
Advocate with SI Dharmendra**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. Petitioner has assailed Order No. F. 18/43/2018/HG/255 dated 22.04.2025, whereby his parole application was dismissed by the competent authority; petitioner has also sought *mandamus* to the respondent to release him on parole for a period of two months for maintaining family and social ties.

2. I have heard learned counsel for petitioner and learned ASC.

3. Broadly speaking, the competent authority rejected parole application of the petitioner on the ground that he was released on parole for two weeks



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from 21.03.2020 to 05.04.2020 granted by this Court, which time was extended during Covid pandemic time to time by the Government; but finally, the petitioner was arrested in three fresh cases on 22.01.2021. In the impugned order itself, the competent authority recorded that the petitioner already stood acquitted in all those three cases. Besides that, another ground for rejection of parole application was the major punishment awarded to the petitioner for misconduct in jail. The alleged misconduct was that in jail the petitioner tested positive for some drug and vide order dated 15.06.2023, he was awarded punishment of stoppage of *mulakat* and canteen facility for 15 days.

4. Admittedly, the major punishment dated 15.06.2023 was never challenged and its effect was surviving as on 22.04.2025 when the impugned order was passed. That being so, although in view of acquittal of petitioner in the said three fresh cases, the impugned order would fail, but in view of the unchallenged major punishment dated 15.06.2023, the impugned order would sustain.

5. Also admittedly, now the said major punishment dated 15.06.2023 has become stale upon expiry of two years, so now petitioner is entitled to a fresh consideration for parole. Therefore, learned ASC in all fairness submits that the petitioner may file a fresh parole application and the same shall be considered in accordance with law.

6. Accordingly, the present petition is disposed of granting opportunity to the petitioner to file a fresh parole application before the jail authorities



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and the same shall be decided as expeditiously as possible, but certainly within four weeks.

7. Copy of this order be sent to the concerned Jail Superintendent for being brought to the notice of the petitioner.

**GIRISH KATHPALIA
(JUDGE)**

SEPTEMBER 03, 2025
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