



2025:DHC:3440



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

% *Date of Decision: 08.05.2025*

+ **W.P.(CRL) 1537/2025 & CRL.M.A. 14303/2025**

DHARMENDER KUMAR TANDON .....Petitioner

Through: Ms. Gunjan Sinha Jain, DHCLSC.

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Rahul Tyagi, ASC for State.

**CORAM: JUSTICE GIRISH KATHPALIA**

**J U D G M E N T (ORAL)**

1. The petitioner has assailed order dated 21.04.2025 of the competent authority, whereby his request for being released on parole was rejected; and the petitioner also seeks relief of parole for two months in order to re-establish social ties, so as to re-integrate himself into the society.

2. Learned ASC accepts notice and strongly opposes the petition. It is submitted by learned ASC that the parole was correctly denied because last time when the petitioner was released on parole (*as per learned counsel for petitioner, it was furlough*), he created law and order problem in his native village and if again released on parole, he would again disturb the villagers. In this regard, learned ASC has produced before me a report dated



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28.02.2025 received from the Superintendent of Police, Mungeli, Chhattisgarh (copy supplied), which is accepted across the board to be scanned and made part of the record. Learned ASC also refers to a judgment of the Hon'ble Supreme Court in the case titled *Asfaq vs State of Rajasthan*, [(2017) 15 SCC 55] and contends that not every case of parole has to be allowed and the court has to strike a balance between reformatory approach and peace of the society.

3. In the judgment cited by learned ASC, the Hon'ble Supreme Court was dealing with a case involving serial bomb blast in five trains at behest of certain miscreants on the first anniversary of Babri structure demolition and the Supreme Court emphasized to look for factors reflecting tendency to commit a crime or tendency to reform while dealing with such applications. The Supreme Court took a view that those who are habitual offenders and may have the tendency to commit the crime again after release on parole, should not be so released.

4. In the present case, there is nothing before me to arrive at a conclusion that the petitioner is a habitual offender and/or has tendency to commit crime if released. In my view, merely on the basis of such reports as sent by the Mungeli police authorities, if the parole is declined, it would completely frustrate the philosophy of reformation of the convict.

5. Even if the police report of Mungeli authorities is accepted on face



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value, instead of completely denying the petitioner an opportunity to re-integrate into society and thereby reform himself, the apprehension of the authorities can be dealt with by directing the petitioner not to indulge in any unlawful activity or even any activity leading to breach of peace.

6. Considering the above circumstances, I am unable to uphold the impugned order of the competent authority, so the same is set aside. The petitioner be released on parole for a period of four weeks subject to his furnishing a personal bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the concerned Jail Superintendent. The petitioner is specifically directed not to indulge in any unlawful act or any act that can lead to breach of peace in the area where he shall reside. As suggested by learned ASC on the basis of the police report, it is further directed that the petitioner shall not enter into the fields of his maternal uncles and shall report before the local SHO/SO/Town Inspector once in every five days at 11:00am.

7. Copy of this order be sent to the concerned Jail Superintendent, who shall inform the petitioner in writing at the time of his release on parole, the exact date of surrender. Pending application stands disposed of.

**GIRISH KATHPALIA  
(JUDGE)**

**MAY 8, 2025/DR**

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