



2025:DHC:6715



\$~9

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

%

Date of Decision: 11.08.2025

+

W.P.(CRL) 2431/2025**BHUPENDER@JOKHAR**

.....Petitioner

Through: Ms. Dolly Sharma, Advocate.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Arjit Sharma, Advocate with
Inspector Vikas Mudgal.**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. In furtherance of last order, petitioner filed amended writ petition dated 07.08.2025, which is taken on record. Learned counsel for respondent State accompanied with IO/Inspector Vikas Mudgal accepts notice. Both sides submit that in view of nature of these proceedings, final arguments may be heard today itself. As such, I have heard learned counsel for both sides.

2. The petitioner has assailed order dated 10.06.2025 of the Competent Authority whereby his application for grant of parole in case FIR No. 629/2016 of PS Mukherjee Nagar for offence under Section 302/120B/34 IPC was rejected.

3. The parole application of petitioner was rejected by the Competent



2025:DHC:6715



Authority on the ground that earlier he was released on emergency parole with effect from 15.05.2021 and was re-arrested on 19.07.2022 in a new case FIR No.587/2022 of PS Paschim Vihar for offence under Section 302/34 IPC and Section 25/27 of Arms Act.

4. Learned counsel for petitioner submits that in the trial arising out of FIR No. 587/2022, all public witnesses stand examined and none of them has supported the prosecution case. That, according to learned counsel for petitioner, shows falsity of FIR No. 587/2022. Further, it is submitted by learned counsel for petitioner that by way of order dated 28.07.2025, a coordinate bench of this court has granted interim bail to the petitioner for a period of one month from the date of his release on medical grounds in case FIR No.587/2022.

5. On the other hand, learned counsel for State has only one submission. It is submitted by learned counsel that since the interim bail order dated 28.07.2025 was passed subsequent to the impugned order (dated 10.06.2025) rejecting the parole application, matter may be remanded to the Competent Authority to decide the parole issue afresh. There is no other objection to this petition.

6. I am of the considered view that if the petitioner is sent back to the Competent Authority to decide the parole application afresh, it would be of no purpose, because by the time the Competent Authority decides the parole request afresh, medical treatment purpose, for which the interim bail was



2025:DHC:6715



granted to the petitioner in FIR No. 587/2022 would cease and consequently he would have to remain confined in jail.

7. Moreover, as mentioned above, in case FIR No. 587/2022 the public witnesses have not supported prosecution.

8. Keeping in mind the above circumstances, especially the reformatory significance of the tool of parole, the impugned order is set aside and petitioner is directed to be released on parole for a period of one month in case FIR No.629/2016 of PS Mukherjee Nagar for offence under Section 302/120B/34 IPC subject to the petitioner 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.

9. It is directed that at the time of releasing the petitioner on parole, the Jail Superintendent shall inform him in writing against acknowledgement the exact date when he has to surrender back.

10. Copy of this order be sent to the concerned Jail Superintendent for being immediately conveyed to the petitioner.

**GIRISH KATHPALIA
(JUDGE)**

AUGUST 11, 2025/ry