



2025:DHC:6796



\$~43

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

%

Date of Decision: 12.08.2025

+ **W.P.(CRL) 2457/2025**

ANIL KUMAR

.....Petitioner

Through: Mr. Siddharth Yadav and Mr. Anmol
Kumar Pandey, Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Ms. Rupali Bandhopadhyia, ASC for
State with Mr. Abhijeet Kumar,
Advocate with SI Amit, PS S. P.
Badli.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. Petitioner seeks parole for a period of sixty days in case FIR No. 404/2010 of PS Samaypur Badli for offence under Section 302/392/394/397/414/34/120B IPC. The parole is sought on emergent grounds as petitioner lost his brother on 03.08.2025. On last date (08.08.2025) learned ASC accepted notice and assured to get the pending parole application of the petitioner decided by the competent authority on or before this day.

2. Accordingly, today learned ASC has submitted death verification report, Nominal Roll and order dated 12.08.2025 of the competent authority, all of which are taken on record. Copies supplied.



3. I have heard learned counsel for petitioner and learned ASC.
4. It is contended by learned counsel for petitioner that brother of petitioner passed away on 03.08.2025, so he seeks to be released on parole for a period of sixty days in order to manage the rituals.
5. Learned ASC submits that the competent authority has dismissed the parole application of the petitioner on the ground that in view of proviso to Rule 1213(xi) of the Delhi Prisons Rules, since the petitioner is entitled to be released on furlough, he cannot be granted parole.
6. In response, learned counsel for petitioner refers to order dated 17.07.2025 of this court in W.P.(Crl). 1477/2025, according to which learned ASC had stated that the petitioner is entitled to apply for parole.
7. The State itself having taken a stand on 17.07.2025 in the earlier petition to the effect that the petitioner is entitled to apply for parole, the order dated 12.08.2025 of the competent authority becomes not sustainable.
8. Of course, in normal process, the petitioner should be directed to file fresh petition to assail order dated 12.08.2025 of the competent authority. But that recourse would frustrate the very purpose of the present petition which is to enable the petitioner to attend post-death rituals of his brother. Therefore, treating the present case on the basis of peculiar factual matrix and not to be treated as a judicial precedent, the petitioner is not being directed to file fresh petition to assail order of the competent authority.



2025:DHC:6796



9. Considering the above circumstances, the petition is allowed and petitioner is directed to be released on parole for a period of sixty days from the date of his release 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.

10. The concerned Jail Superintendent shall intimate to the petitioner in writing against acknowledgment the specific date when he has to surrender back. Copy of this order be sent to the concerned Jail Superintendent for being immediately conveyed to the petitioner.

**GIRISH KATHPALIA
(JUDGE)**

AUGUST 12, 2025/*dr*