



2025:DHC:5889



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

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Date of Decision: 22.07.2025+ **W.P.(CRL) 3932/2024**
MALKHAN

.....Petitioner

Through: Ms. Mudita Sharda and Mr. Adriyan
Abbi, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Abhijit Kumar, Advocate with
Inspector Rambir Singh, PS Adarsh
Nagar**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. Petitioner assails order dated 15.10.2024 of the Competent Authority whereby his application for being released on parole was rejected on the grounds of the gravity of offence committed by him and his unsatisfactory conduct reflected in the nominal rolls.

2. It appears that vide order dated 22.01.2025, objection of the State was recorded by the predecessor bench to the effect that address of petitioner could not be verified. From order dated 04.03.2025 of the predecessor bench it appears that according to the status report filed by the State, petitioner was earlier residing in a *jhuggi* as a permissive user, but did not have any relationship with the owner/tenant of the *jhuggi*.



3. Learned counsel for respondent submits that State has not been able to verify as to where the petitioner would reside, in case released on parole. But that can be taken care of by the jail authorities by ascertaining soundness of the surety to be produced by the petitioner.

4. So far as the grounds of rejection are concerned, the offence for which the petitioner is facing sentence of life imprisonment is under Section 302 IPC and Section 27 Arms Act. The petitioner has already spent more than 15 years in jail. The ground of gravity of offence, on which the parole application was rejected by the competent authority fails to convince. For, if such objection of State is upheld, no murder convict would be released on parole, which would defeat the very philosophy of reformation of criminals. The other ground of rejection being the unsatisfactory conduct of petitioner in jail also must fail in view of specific finding in the nominal rolls that jail conduct of petitioner in past one year was satisfactory. According to nominal roll the unsatisfactory conduct of petitioner was in the year 2013-14, after which there is no such adverse observation in the nominal roll.

5. In view of above circumstances, I am unable to uphold the impugned order of rejection of parole application. Therefore, the impugned order is set aside.

6. Consequently, the petition is allowed, directing immediate release of petitioner 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



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to the satisfaction of the Jail Superintendent.

7. Copy of this order be sent to the concerned Jail Superintendent for being conveyed immediately to the petitioner. It is directed that at the time of releasing the petitioner on parole, the concerned Jail Superintendent shall inform him in writing the specific date when he has to surrender back in jail.

**GIRISH KATHPALIA
(JUDGE)**

JULY 22, 2025/ry