



2026:DHC:3375



\$~2

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

%

Date of Decision: 23.04.2026

+ **W.P.(CRL) 23/2026**

JASWINDER SINGH

.....Petitioner

Through: Mr. Sumer Singh Boparai and Mr.
Abhilash Kr. Pathak, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Abhijeet Kumar, Advocate with
W/SI Radha, PS Uttam Nagar and SI
Satish Kumar, PS Raj Park.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. Petitioner seeks quashing of order no. F.18/90/2025/HG/PRISONS/3735 dated 05.12.2025 and seeks parole for a period of two months in case FIR No. 703/2019 of PS Raj Park for offence under Section 5(m)(n)(p) and Section 6 of POCSO Act.

2. Broadly speaking, the petitioner, having suffered incarceration for the past six years out of the total period of twenty years of rigorous imprisonment awarded to him, applied for parole on the ground that he has to file Special Leave Petition (SLP) against upholding of his conviction and



2026:DHC:3375



sentence. The competent authority rejected the parole request by way of the impugned order on the ground that being a POCSO convict, the petitioner cannot be granted parole in view of Rule 1211(VII) of the Delhi Prison Rules.

3. Learned counsel for petitioner submits that the provision under Rule 1211(VII) of the Delhi Prison Rules has to be read in the light of Rule 1208(viii) in the sense that the ground to file SLP is an exception carved out of the general rule which prohibits grant of parole to a POCSO convict. In this regard, learned counsel for petitioner has referred to various orders of coordinate benches of this Court.

4. On the other hand, learned counsel appearing on behalf of ASC opposes the present petition on the ground that the local police of Aligarh, where the petitioner resides, has objected to the grant of parole. It is also contended that the SLP can always be filed by the petitioner through legal aid counsel in jail or through a private counsel, who can visit the jail to take instructions from the petitioner.

5. So far as the report of local police of Aligarh is concerned, having examined the same, I find the same to be completely mechanical, to say the least. The only submission of the local police is that if released on parole, the petitioner could flee. But no reasons behind this apprehension have been laid out.



2026:DHC:3375



6. Of course the SLP can be filed by the prisoner through legal aid counsel, but in order to ensure right to be effectively heard, the right of the prisoner to choose his private counsel cannot be denied to him. Similarly, no doubt the private counsel can take instructions from the petitioner by visiting the jail, but in order to ensure effective communication between the prisoner and his counsel, visitor's room in jail is not a conducive environment.

7. In view of above discussion and in order to ensure that the petitioner is not deprived of a right to be effectively heard by the Supreme Court, grant of parole cannot be denied to him.

8. Therefore, the impugned order is set aside, thereby directing the release of the 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 to the satisfaction of the concerned Jail Superintendent; and also subject to the condition that he shall furnish his mobile phone number and other details to the local police of Aligarh where he resides and shall remain accessible by keeping his mobile phone switched on; and also subject to the condition that the petitioner shall furnish a copy of his SLP to the Jail Superintendent at the time of his surrender after the completion of parole period. It is made clear that no extension of parole shall be allowed on any ground whatsoever.

9. At the time of releasing the petitioner on parole, the concerned Jail Superintendent shall inform him in writing against acknowledgment the



2026:DHC:3375



specific date on which the petitioner has to surrender back after completion of parole period.

10. Copy of this order be sent to the concerned Jail Superintendent for compliance.

**GIRISH KATHPALIA
(JUDGE)**

APRIL 23, 2026/dr