



2026:DHC:1407



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% *Date of Decision: 17th February, 2026*

+ W.P.(CRL) 566/2026
BHOLA SHARMA

.....Petitioner

Through: Ms. Astha with Ms. Megha Singh,
Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, SC (Crl.) with SI
Divya Gehlot.

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****JUDGMENT (oral)**

1. Petitioner is aggrieved by the fact that his request for grant of parole has been rejected, merely, for the reason that he has been convicted under *Protection of Children from Sexual Offences Act* (POCSO Act), 2012.
2. It is submitted that the petitioner is desirous of filing *Special Leave Petition* and there is a specific provision for release of parole to enable him to file any such *Special Leave Petition* before the Hon'ble Supreme Court.
3. Petitioner was held guilty for offences under Section 376(2)(n)(k) of IPC and Section 6 of POCSO Act, 2012 and was, *inter alia*, sentenced to undergo RI for a period of twenty years. The judgment of the learned Trial Court is dated 09.07.2024 and order of sentence is dated 07.11.2024. When an appeal was filed, his such appeal was also dismissed by learned Coordinate Bench of this Court on 16.09.2025.
4. Mr. Sanjay Lao, learned Standing Counsel (Crl.) appears on advance notice and submits that since petitioner wants to file *Special Leave Petition* and since there is a specific rule in this regard i.e. Rule 1208 of Delhi Prison Rules, 2018, he would have no objection to the grant of parole but subject to verification of his address as there is every possibility that he may not be,



now, having any residence at the given address i.e. H. No. 85/6A Ajad Market, Munirka South, West, Delhi.

5. Learned counsel for the petitioner submits that they would have no objection if before the bonds are accepted, the addresses are got verified.

6. The Nominal Roll has been placed on record, which also indicates his overall conduct to be satisfactory. Mr. Sanjay Lao, learned SC (Crl.) for State also submits that petitioner meets all the other eligibility parameters.

7. As per Rule 1208 of Delhi Prison Rules, 2018, the competent authority can consider any such application for grant of parole in case any such convict wants to file *Special Leave Petition* before the Supreme Court of India against the judgment delivered by the High Court convicting or upholding the conviction, as the case may be.

8. It seems that aforesaid Rule has escaped the kind attention of the Competent Authority, while declining the aforesaid request.

9. Aforesaid Rule i.e. Rule 1208 would become redundant if the rejection is given merely on the basis of Rule 1211. Moreover, though as per Rule 1211, a person convicted under *Protection of Children from Sexual Offences Act, 2012* may not be entitled to grant of parole but there is no absolute bar as the Rule itself provides and postulates that parole can be given under Rule 1211 also, if there is any special circumstance.

10. Learned counsel for petitioner strongly relies upon *Neeraj Bhatt v. State (NCT of Delhi): 2023 SCC OnLine Del 32*, *Neeraj Bhatt v. State (NCT of Delhi), 2023 SCC OnLine Del 32* and *Sudama v. State of NCT of Delhi: 2026:DHC:792*.

11. In view of the above, the present petition is allowed. Petitioner is granted parole for a period of four weeks, subject to the following



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conditions:-

(i) The petitioner shall furnish personal bond in a sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the Jail Superintendent.

(ii) Jail Superintendent would be at liberty to get the address of the petitioner verified, before accepting the bonds.

(iii) The petitioner shall report to the SHO of the local area, once a week on every Sunday at 10:00 AM and shall not leave the National Capital Region of Delhi, during the period of parole.

(iv) The petitioner shall furnish a telephone number to the Jail Superintendent on which he can be contacted, if required. After his release, he shall also inform his telephone number to the SHO of the police station concerned.

(v) Immediately upon the expiry of period of parole, the petitioner shall surrender before the Jail Superintendent.

(vi) The petitioner shall furnish copy of SLP as proposed to be filed in the Supreme Court to the Superintendent Jail at the time of surrendering. A copy of such SLP shall also be placed on record of this case.

(vii) The period of parole shall be counted from the day, the petitioner is released from jail.

12. Pending application stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

FEBRUARY 17, 2026/sw/js