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

+ **W.P.(Crl) 2085/2025**

PURAN PRASAD

....Petitioner

Through: **Mr. Yugansh Mittal. Adv (DHCLSC)**

versus

STATE OF NCT OF DELHI

.....Respondent

Through: **Mr. Sanjeev Bhandari, ASC for State
with Mr. Arjit Sharma and Ms. Sakshi Jha, Advs.
Inspector Chetan Singh Meena.**

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER (ORAL)

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29.07.2025

1. The petitioner, Mr. Puran Prasad, is before this Court under Article 226 of the Constitution read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") seeking directions for his release on parole for a period of three months in connection with his conviction in FIR no. 280/2012 registered at PS Khyala under Section 302 of the Indian Penal Code, 1908 (hereinafter "IPC").
2. He also prays for release along with his co-convicts in case their furlough/parole clashes with parole that may be granted to him on occasion of his wife's pregnancy, owing to the familial relationship shared with the other co-convicts.
3. The petitioner is presently confined in Central Jail no. 2, Tihar, New Delhi, and has undergone a period of incarceration of just over 10 years.
4. The present petition seeks parole on the ground that the petitioner's



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wife is expecting, and that she is nearing the end of her term of pregnancy. Having been verified, her due date for delivery is 01.08.2025.

5. In furtherance of these objectives, prior to approaching this Court, The petitioner submitted an application dated 25.05.2025 seeking parole on the same ground, to the Secretary, Home (General) Department, Government of NCT of Delhi.

6. The application, along with the petitioner's nominal roll, were forwarded to the secretary of the Delhi High Court Legal Services Committee vide letter dated 23.06.2025.

7. On perusal of the same, it is observed that the petitioner has been granted parole on four separate instances and granted furlough on two other instances (both in 2025).

8. On 13.05.2025, this Court granted the petitioner his second spell of furlough during 2025 to care for his spouse who was six months pregnant at the time, for a period of two weeks.

9. This Court, though the petitioner had not allowed one month to elapse after his previous grant of furlough, noted that though relaxation of this mandatory interval was not applied for, the pregnancy of the petitioner's spouse constituted a valid ground for relaxation.

10. Learned counsel for the petitioner, Mr. Yugansh Mittal, as well as Mr. Sanjeev Bhandari, learned ASC for the State, have drawn this Court's attention to the Delhi Prison Rules, 2018 (hereinafter "Rules") as the relevant guiderail for a Court while considering grant of parole to an inmate.

11. Rule 1207 of the Rules determines the competent authority to consider the grant of parole as the Lt. Governor of the government of NCT



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of Delhi, except for cases falling under Rule 1211.

12. Rule 1210 prescribes certain five conditions to be eligible for grant of parole, which stands reproduced below for ready reference:

“1210. In order to be eligible for release on parole in terms of Rule above:-

I. A convict must have served at least the period of one year in prison excluding under-trial period and any period covered by remission. However, in exceptional cases, where the prisoner has spent more than 3 years as under trial period or half of the sentence of the punishment awarded as under trial then his parole application may be considered, if he has spent at least 6 months in prison as convict.

II. The conduct of the Prisoner who has been awarded major punishment for any prison offence should have been uniformly good for last two years from the date of application and the conduct of Prisoner who has been awarded minor punishment or no punishment for any prison offence in prison should have been uniformly good for last one year from the date of application.

III. During the period of release on parole or furlough, if granted earlier, the convict should not have committed any crime.

IV. The convict should not have violated any terms and conditions of the parole or furlough granted previously.

V. A minimum of six months ought to have elapsed from the date of surrender on the conclusion of the previous parole availed. In emergency, parole may be considered even if minimum period of six months has not elapsed from the date of termination of previous Parole. The emergency may include delivery of a child by the wife of the convict, death of a family member, marriage of children, terminal illness of family members and natural calamities.”

13. It is observed that all five conditions stand satisfied by the petitioner, and it is noted that condition ‘IV’, though violated in 2021, was *bona fide* due to the turmoil caused by the COVID 19 lockdown and could not have constituted wilful disobedience of the terms of parole granted at the time.



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14. To be read with Rule 1210, Rule 1208 reads as follows:

“1208. Subject to fulfilment of conditions stipulated in Rule 1210 below, it would be open to the Competent authority to consider applications for parole on the grounds such as :-

- i. Serious illness of a family member.
- ii. Critical conditions in the family on account of accident or death of a family member.
- iii. Marriage of any member of the family of the convict;
- iv. Delivery of a child by the legally wedded wife of the convict.
- v. Serious damage to life or property of the family of the convict including damage caused by natural calamities.
- vi. Sowing and harvesting of crops.
- vii. To maintain family and social ties.
- viii. To pursue the filing of a Special Leave Petition before the Supreme Court of India against a judgment delivered by the High Court convicting or upholding the conviction, as the case may be.”

15. On a perusal of the rule, it is observed that sub-rule ‘iv’ specifically provides for the release of a convict on parole where the birth of a child is concerned.

16. Rule 1212 states that parole may be granted for a maximum of eight weeks per conviction year, to be divided into two spells, further prescribing that a single spell should not exceed four weeks.

17. At this juncture, Mr. Bhandari raises an objection with respect to the proviso contained within Rule 1213, where a Superintendent, before forwarding the application for parole, should ensure that if the prisoner is eligible for furlough, then his release on furlough be considered before forwarding his application for parole.

18. It is further submitted that, given the completion of the petitioner’s conviction year in May 2025, he has not availed of any furlough’s during this conviction year, and the mandatory interval of one month following his



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most recent grant of furlough has passed.

19. Additionally, Mr. Bhandari objects to the second prayer contained stating that a convict ought not to be released on parole/furlough at the same time as co-convicted persons connected to the relevant crime.

20. However, Mr. Mittal presses the petitioner's satisfactory conduct, not only in jail, but also on his four prior releases on parole as well as two subsequent releases on furlough.

21. Regarding the delay in response to his application for parole, it is noted that his application was inadvertently sent to the Secretary, Government of NCT of Delhi, instead of his Jail Superintendent.

22. Considering the special circumstance of the case before us, being the expected delivery of the petitioner's child within the next few days, this Court deems the present case fit for grant of parole.

23. The respondent is directed to release the petitioner on parole for a period of four weeks, to be present for the birth of his child, upon furnishing a personal bond of ₹ 15,000/- with one surety of the like amount subject to the satisfaction of the Jail Superintendent/ Trial Court/ Duty Metropolitan Magistrate, and further subject to the following conditions:

- a.** The petitioner shall not leave the National Capital Region of Delhi during his period of parole, without prior permission of the Court.
- b.** The petitioner shall provide his mobile number(s) to the concerned Jail Superintendent and SHO – P.S. Khyala, Delhi, at the time of his release, which mobile number shall be maintained in a working condition at all times.



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- c. The petitioner shall appear before the SHO – P.S. Khyala, Delhi, on every Monday, between 11.00 am and 11.30 am to mark his presence. However, he shall not be kept waiting for longer than one hour for this purpose.
 - d. The petitioner shall positively surrender before the concerned Jail Superintendent on the expiry of the period of furlough. For this purpose, upon his release, he shall be handed a slip by the Jail Superintendent containing the exact date of his surrender, to avoid any future confusion.
24. The present petition stands allowed to the aforesaid extent.
25. Copy of the order be sent to the Jail Superintendent concerned for information and necessary compliance.

AJAY DIGPAUL, J

JULY29, 2025/Ar/av