



2025:DHC:10006



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

%

Reserved on: 04th November, 2025

Pronounced on: 14th November, 2025

+

W.P.(CRL) 648/2024

SONU DAHIYA

S/o Surender Kumar

Currently incarcerated at:

Central Jail No. 14, Mandoli Prison Complex,
Mandoli-Harsh Vihar, Delhi.

PERMANENT RESIDENT OF:

R/o-H. No.26, Village- Jharoth, Ananadpur
Mohalla, Tehsil; P.S. Kharkhoda,
Distt.- Sonapat, Haryana.

.....Petitioner

Through: Mr. Shannu Baghel, Mr. Ganpat Ram,
Mr. Aakash, Mr. Saksham Kumar,
Ms. Disha Gupta, Advocates.

versus

STATE NCT OF DELHI

Through Director General of Prisons,
Tihar Prison Complex, Jail Road,
Maya Purl, New Delhi.

.....Respondent

Through: Mr. Yasir Rauf Ansari, ASC.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Writ Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, (*hereinafter referred to as "Cr.P.C."*) has been filed on behalf of the Petitioner, *Sonu Dahiya* with the prayer that the period from 14.07.2020 to 15.03.2021 and



26.08.2021 to 20.11.2021, i.e. 10 months and 27 days of emergency Parole, be included in computing the period of Sentence undergone by the Petitioner in FIR No.0036/2011 under Sections 302/201/34 IPC (*hereinafter referred to as "IPC"*), registered at PS: Vasant Kunj South, Delhi.

2. Petitioner submits that he was convicted and sentenced on 05.03.2014 for offence under Sections 302/201/34 IPC, which were directed to run concurrently. The Appeal vide **CRL.A.09/2015** was preferred before this Court in 2015 against the conviction. During the pendency of Appeal, he filed a Bail Application under Section 389 Cr.P.C. seeking interim suspension of sentence for a period of eight weeks for the purpose of repair and take care of his house, which was allowed by this Court on 22.06.2020. He was accordingly released on Bail on 14.07.2020 and the period was extended from time to time till 15.03.2021. Thereafter, he was again granted interim Bail by this Court for a period of three weeks and he was released on 26.08.2021 which was also extended till 20.11.2021.

3. The Appeal was dismissed on 23.12.2022 by this Court. SLP filed vide Diary No.35103/2023 was dismissed by the Apex Court on 06.10.2023.

4. Petitioner states that he has already undergone sentence of approximately 14 years and 09 months in actual, without taking into account the period of interim Bail, i.e. 10 months and 27 days approximately. Petitioner is the first-time offender and there is no other case of any nature registered against him in any Court of law.

5. Petitioner claims that after availing three weeks' interim Bail, he was orally informed by the Jail Authorities that his interim Bail has been extended by the High-Power Committee (**'HPC'**) set up under the aegis of this Court and the Apex Court due to surge of COVID-19 Pandemic which



got extended from time to time, by HPC. It is submitted that the Petitioner is entitled to the Emergency Interim Bail period, which adds it to 10 months and 27 days, to be added towards his sentence.

6. Reference is made to Judgment passed by the Apex Court on 07.05.2021 in the case of RE: Contagion of COVID 19 Virus In Prisons & Director General (Prisons) and Notification of Delhi Disaster Management Authority dated 23.03.2021.

7. Reliance is also placed on Order dated 05.04.2023 passed in W.P.(CRL)2518/2022 titled as Zafar-ul-Islam vs. State of NCT of Delhi; and Order dated 06.07.2021 passed in W.P.(CRL.)798/2021 titled as Virender vs. State (GNCT) of Delhi both by this Court.

8. Hence, the prayer is made that period of 10 months and 27 days be added to the period of sentence already undergone.

9. **Status Report has been filed on behalf of the State**, wherein details of Petitioner's conviction have been detailed. It is affirmed that the Petitioner had been released on Interim Bail, *firstly* from 24.06.2020 till 15.03.2021 for repair of his house and *secondly*, from 05.08.2021 to 20.11.2021 for giving his agricultural land on contract farming/*batai*.

10. It is submitted that neither the period of Parole nor the interim bail is liable to be counted to actual sentence of a convict. It is only the period of furlough, which is to be so counted. In terms of Rules 12/12A of Delhi Prison Rules, 2018, the State Government *vide* Notification dated 27.03.2020 had decided to release certain categories of prisoners on emergency Parole and that this period would be counted towards the sentence of the prisoners. This period of emergency Parole was extended



from time to time and the Order granting the extension noted that the period of emergency Parole shall be counted towards the sentence of prisoners.

11. However, since the Petitioner was released on Interim Bail on the ground as stated above, he is not covered by the provisions of this Notification and therefore, this period cannot be added towards his sentence.

Submission heard and record perused.

12. COVID-19 pandemic struck the entire world and the lockdowns were announced in Delhi from time-to-time w.e.f. 27.03.2020. The Petitioner has been in judicial custody since 05.03.2014 and has been undergoing his sentence of life under Sections 302/201 IPC. Delhi Govt. issued a Notification dated 23.03.2020 constituting HPC, which decided to release the prisoners on emergency Parole and pursuant thereof, prisoners of various categories were released. Moreover, it had been decided that the period for which the prisoners are released on emergency Parole shall be counted as period undergone in their substantive sentence.

13. In the present case, it is not denied that the Division Bench of this Court *vide* Order dated 22.06.2020 had granted interim suspension of sentence to Petitioner Sonu Dahiya for three weeks. Admittedly, as is evident from the Nominal Roll, he was released on Parole from 24.06.2020 till 14.07.2020 (i.e. three weeks), but thereafter, the Bail was extended from time to time till 15.03.2021 and he surrendered on the said date. Petitioner was again admitted to Interim Bail by this Court from 05.08.2021 to 26.08.2021 (i.e. three weeks), which was extended till 20.11.2021.

14. After the exhaustion of his interim Parole from 15.07.2020 till 15.03.2021 and from 26.08.2021 till 20.11.2021, the Petitioner was unable to surrender purely on account of the emergency Parole, which had been



granted pursuant to the Notification dated 27.03.2021 issued by Delhi Government.

15. As per Clause 3 of Notification dated 27.03.2021, it was decided that the grant of eight weeks emergency parole, shall be counted towards the sentence of the prisoners. Furthermore, Clause 5 of the said Notification observed that those convicts, who are out on furlough/parole, would be granted eight weeks' emergency Parole. The remaining portion of their ongoing furlough/parole would be treated as suspended/lapsed on grant of emergency Parole.

16. Because the situation did not improve, these emergency Paroles, so granted to the prisoners, were extended from time to time. Therefore, the period from 14.07.2020 till 15.03.2021 and from 26.08.2021 till 20.11.2021 (i.e. 10 months and 27 days) is liable to be counted as emergency Parole, benefit of which must be given to the Petitioner Sonu Dahiya by counting it towards his period of sentence.

17. It is therefore, directed that benefit of this period of 10 months and 27 days by granted to the Petitioner in counting his period of sentence.

18. With the aforesaid observations, present Writ Petition is allowed. Pending Applications are disposed of, accordingly.

(NEENA BANSAL KRISHNA)
JUDGE

NOVEMBER 14, 2025/R