



2025:DHC:6623



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 01.08.2025*+ **W.P.(CRL) 1972/2025**

PARVEEN @ NAVEEN @ VICKYPetitioner

Through: Mr. Rohan J. Alva (DHCLSC)
and Mr. Anant Sanghi,
Advocate

versus

STATE OF NCT OF DELHIRespondent

Through: Mr. Rahul Tyagi, ASC for the
State**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J (ORAL)**

1. By way of this writ petition, the petitioner seeks issuance of writ in the nature of *certiorari* for setting aside of the order reference no. F.18/05/2023/HG/1368 dated 16.05.2025 *vide* which his application seeking parole was rejected, and writ in the nature of *mandamus* for directing the respondent to release the petitioner on parole for a period of 04 weeks on the ground of filing Special Leave Petition (SLP) before the Hon'ble Supreme Court and for maintaining social ties.

2. The petition discloses that the petitioner herein is presently confined in Central Jail No. 14, Mandoli, Delhi, as he was convicted in case arising out of FIR No. 211/2010, registered at Police Station



Nihal Vihar, Delhi for commission of offences punishable under Sections 302/34 of IPC. He was convicted by the learned Trial Court *vide* judgment dated 31.07.2019, and was sentenced to undergo rigorous imprisonment for life for offence under Section 302 of IPC and rigorous imprisonment for three years for offence under Section 27 of Arms Act. The petitioner herein had assailed his conviction before this Court by way of CRL.A. 1448/2019, however, the same was dismissed by this Court *vide* judgment dated 14.11.2022.

3. It is submitted that the petitioner had filed an application seeking parole with the competent authority on 16.04.2025, on ground of filing of SLP before the Hon'ble Supreme Court of India, which came to be rejected by the competent authority *vide* order dated 16.05.2025.

4. The learned counsel appearing for the petitioner argues that the appeal preferred by the petitioner against his conviction already stands dismissed, and to avail the last and final remedy for assailing his conviction, he wishes to file SLP. It is further submitted that the petitioner herein has already undergone about 14 years of sentence without remission, and his jail conduct for the last 2 years is satisfactory. It is also contended that previously, the parole application of the petitioner was rejected and he had filed a writ petition before this Court [W.P.(Crl.)845/2025] wherein the Co-ordinate Bench of this Court had directed the competent authority to consider the petitioner's application for parole afresh since two years had lapsed since the last punishment was awarded to the petitioner



herein. In these circumstances, it is prayed that the petitioner be granted parole for filing SLP and establishing social ties.

5. The learned ASC appearing on behalf of the State argues to the contrary and states that impugned rejection order has been passed in accordance with law by the respondent/competent authority. It is further submitted that the petitioner has been granted major punishments in the year 2022 and 2023. It is also contended that the petitioner herein is involved in 08 other criminal cases (as per SCRB data) and there are high chances that he would abscond if granted parole. Thus, it is prayed that the present petition be dismissed.

6. This Court has **heard** arguments addressed on behalf of both the parties and has perused the material placed on record.

7. This Court has also perused the order dated 16.05.2025 passed by the competent authority, whereby the parole sought by the petitioner herein has been declined. The said order is reproduced as under:

“Sir,

With reference to the proposal in respect of the above said convict for grant of parole received in this office vide letter no F.1 4/SCJ-14/AS(CT)/PAROLE/2025/1352, Dated-16.04.2025, it is to inform that after due consideration, the Pr. Secretary (Home) rejected the same in view of the following’-

(i) As per nominal roll, his overall jail conduct is reported to be unsatisfactory.

(ii) Two other cases are also pending against the said convict.

(iii) Further, as per pervious police report, it is stated that he is a habitual offender. As per SCRB report, 09 cases registered against the said convict.



It is requested that the convict may be informed accordingly”.

8. Thus, the petitioner’s plea for parole has been rejected on the ground that the overall jail conduct of the petitioner is unsatisfactory, and other criminal cases are pending against the petitioner and that he is a habitual offender.

9. To appreciate the rival contentions, this Court has perused the Nominal Roll placed on record. The same reveals that the jail conduct of the petitioner for the last one year is satisfactory. The overall jail conduct is reported as unsatisfactory, but the same is due to two jail punishments awarded to the petitioner in years 2022 and 2023. However, concededly, no punishment has been awarded to the petitioner after 26.02.2023 and his conduct for the last 2 ½ years has been satisfactory. The Coordinate Bench of this Court, in order dated 03.04.2025 passed in *W.P.(Crl.) 845/2025*, had also observed that “two years since the said punishment has now lapsed” – in view of which the competent authority was directed to consider the said writ petition as a representation on behalf of the petitioner for seeking parole.

10. Insofar as the other criminal involvements of the petitioner are concerned, this Court notes that a total of nine FIRs, including the present one, were registered against the petitioner between the period 1997 to 2010. The present case, in which the petitioner stands convicted, pertains to an FIR registered in 2010, and it is significant that no FIR has been registered against him thereafter. Out of the



remaining eight cases, the petitioner has been acquitted in five, and in respect of the other three, either no case status is available or there appears to be a discrepancy in the records. To put it succinctly, apart from the present case, there is no other conviction against the petitioner and he either stands acquitted in other cases or the entire records are unavailable. Accordingly, rejection of the petitioner's parole on the ground of his involvement in multiple criminal cases is without merit.

11. Further, as on date, the present petitioner fulfills the criteria prescribed under Rule 1210 of the Delhi Prison Rules, 2018 as the said Rule prescribes criteria to be eligible for release on parole. The relevant portion of the same is reproduced as under:

“Rule 1210 sub rule (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.”

12. This Court also notes that Rule 1208 of the Delhi Prison Rules, 2018 provides filing of SLP before the Hon'ble Supreme Court as one of the grounds for seeking grant of parole. The same is reproduced as under:

“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.”**

13. In the aforesaid background, it is pertinent to note that this Court has consistently held in several decisions that the right of a convict to file a Special Leave Petition challenging the dismissal of their criminal appeal by a High Court is a vital legal remedy. This right cannot be denied on arbitrary or mechanical grounds. Considering that the petitioner's only remaining remedy to assail his conviction lies before the Hon'ble Supreme Court, it is essential that he be afforded the opportunity to pursue the same through counsel of his choice.

14. Therefore, considering the period of custody undergone by the petitioner, his jail conduct of the last two years, the fact that in the last 15 years, no new FIR has been registered against him, and that he needs to file SLP before the Hon'ble Supreme Court and maintain his social ties, this Court is inclined to direct that the petitioner be released on parole for a period of three weeks (which shall be counted from the date of his release), on the following conditions:

- I. The petitioner shall furnish a personal bond in the sum



2025:DHC:6623



of Rs.10,000/- with one surety of the like amount, to the satisfaction of the Jail Superintendent.

- II. The petitioner shall furnish a telephone/mobile number to the Jail Superintendent as well as SHO of local police station, on which he can be contacted if required. The said telephone/mobile number shall be kept active and operational at all the times by the petitioner.
 - III. The petitioner shall reside at the address mentioned in the petition and shall not leave the region of Delhi NCR during the period of parole.
 - IV. The petitioner shall report to the SHO of the local area once a week on every Sunday between 10:00 AM to 11:00 AM.
 - V. Immediately upon the expiry of the period of parole, the petitioner shall surrender before the Jail Superintendent.
15. In above terms, the present writ petition is disposed of.
16. A copy of this judgment be sent by the Registry to the Jail Superintendent concerned.
17. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

AUGUST 01, 2025/ns