



2025:DHC:9273



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 16.10.2025*+ **W.P.(CRL) 2995/2025**

KANTA PRASAD

.....Petitioner

Through: Mr. Luv Manan, Advocate.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Yasir Rauf Ansari, ASC
for the State with Mr. Alok
Sharma, Advocate.**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****Index to the Judgment**

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DR. SWARANA KANTA SHARMA, J. (Oral)**INTRODUCTION**

1. The petitioner, by way of the present writ petition, seeks issuance of a writ of certiorari for quashing the rejection order No.



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F.18/178/2018/HG/2398-99 dated 19.08.2025, passed by the respondent, and a writ of mandamus directing the respondent to release him on parole for a period of one month to enable him to re-establish social ties with his family and reintegrate into society.

2. As reflected from the record, the petitioner is presently lodged in Central Jail No. 14, Mandoli, Delhi, having been convicted for the offences punishable under Sections 302/307 of the Indian Penal Code, 1860 [hereafter 'IPC'] and Section 30 of the Arms Act, 1959, and sentenced to undergo rigorous imprisonment for life. The appeal preferred by the petitioner against his conviction, being CRL.A. 1359/2015, was dismissed by this Court *vide* judgment dated 20.11.2017, and the Special Leave Petition (SLP) thereafter filed by him also came to be dismissed by the Hon'ble Supreme Court *vide* order dated 22.04.2019.

SUBMISSIONS BEFORE THE COURT

3. The learned counsel appearing for the petitioner submits that the petitioner had preferred an application seeking parole for a period of three weeks, which was duly received by the competent authority on 22.07.2025. However, the said application was rejected *vide* impugned order dated 19.08.2025, thereby constraining the petitioner to approach this Court.

4. It is urged that the competent authority has rejected the parole application in a mechanical manner, without due consideration of the relevant facts and circumstances, and that the impugned order suffers from non-application of mind. It is further contended that the



petitioner has undergone about 15 years of incarceration, and his jail conduct has remained satisfactory throughout. It is submitted that the petitioner has earlier been granted furlough on nine occasions and parole/emergency parole/interim bail on four occasions, and in each instance, he surrendered in time and did not misuse the liberty granted to him. Accordingly, it is prayed that the impugned order be set aside and the petitioner be released on parole for a period of one month.

5. The learned ASC appearing for the State also fairly submits that in the present case, the impugned order appears to be mechanical, as the denial of parole to the petitioner has been premised primarily on the jail punishments awarded in the years 2018-2019, which may not justify the rejection of parole at this stage.

6. This Court has **heard** arguments addressed by the learned counsel appearing for the petitioner as well as the State, and has perused the material placed on record.

ANALYSIS & FINDINGS

The impugned rejection order

7. At the outset, it is relevant to reproduce the impugned rejection order dated 19.08.2025, which reads as under:

“With reference to the proposal in respect of the above said convict for grant of parole received in this office vide letter No. F.14/SCJ-14/AS(CT)/ PAROLE/3107, dated-22.07.2025, it is to inform that after due consideration, Pr. Secretary (Home) has rejected the proposal in view of the unsatisfactory overall jail conduct, as reported by the Prison Authorities.”



8. Clearly, the aforesaid order, in the facts of the present case, is manifestly arbitrary, perverse and unsustainable in law.

Rule 1210 of the Delhi Prison Rules, 2018

9. Firstly, it is necessary to refer to Rule 1210 of the Delhi Prison Rules, 2018 [hereafter '*Delhi Prison Rules*'], which lays down the eligibility criteria for release of a convict on parole. The Rule reads as under:

“...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.

10. To summarise, a convict becomes eligible for consideration of parole when the following broad conditions are met:

- (i) he has completed at least one year in prison as a convict;
- (ii) his conduct during the preceding one or two years, depending on the nature of punishment, is satisfactory;
- (iii) he has not violated any condition of parole/furlough granted earlier or committed any offence while on release; and
- (iv) there has been a minimum gap of six months from the last parole, unless exceptional circumstances justify otherwise.

Examining the Petitioner's Case

11. In the present case, the petitioner's application for grant of parole was rejected on the sole ground that his overall jail conduct was reported to be unsatisfactory. However, a careful perusal of the Nominal Roll placed on record discloses that the petitioner's conduct for the past one year has been specifically noted as satisfactory at Column No. 17. Even otherwise, as per Rule 1210 (II) of the Delhi Prison Rules, the relevant consideration is the convict's uniformly good conduct for the preceding one or two years, depending on whether the punishments, if any, were minor or major in nature. The record reveals that the petitioner was awarded only two minor punishments, both more than six years ago, in the years 2018 and 2019, for fighting with a co-inmate. The first punishment, dated



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12.11.2018, resulted only in a warning, while the second, dated 13.05.2019, led to stoppage of *mulaqat* for one week. Importantly, there is no record of any punishment being awarded to the petitioner after May 2019.

12. Further, it is noteworthy that the petitioner was granted furlough twice in 2019, i.e. subsequent to the award of the aforesaid minor punishments. Thereafter, he was again granted furlough on several occasions in 2023, 2024, and 2025, totaling about seven occasions. The petitioner had also availed emergency parole during the Covid-19 period, in compliance with the guidelines of the High Powered Committee (HPC). On all these occasions, the petitioner had surrendered on time and had not not misused the liberty extended to him.

13. Therefore, this Court is of the view that the competent authority, while passing the impugned order, failed to take into account the good conduct of the petitioner spanning over six years, as well as the fact that the petitioner had never misused the liberty of parole or furlough granted to him. The competent authority appears to have mechanically relied on the two minor punishments awarded to the petitioner in the years 2018–2019, without appreciating that the petitioner’s conduct since then had remained satisfactory and he had been granted benefit of furlough several times.

14. One of the objectives of parole is to afford the convict an opportunity to maintain family and social ties, so as to facilitate his eventual reintegration into society. The denial of such liberty must be



based on reasons duly supported by material on record, and applications for parole ought not to be denied in a mechanical or arbitrary manner.

15. In the present case, it is evident that the order passed by the competent authority does not reflect any examination of the record, nor does it disclose any rational basis for denial of parole. The impugned order appears to have been passed in a casual, cryptic, and mechanical manner, without due consideration of the petitioner's jail conduct, his previous compliance with conditions of release on parole/furlough, or even the relevant provisions of the Delhi Prison Rules.

16. The address of the petitioner has been verified by the police. The petitioner has remained incarcerated for about 15 years, and as noted above, has been granted the benefit of parole and furlough on several occasions, which he has never misused. He is also eligible for grant of parole as per Rule 1210 of Delhi Prison Rules. Considering the same, and for the reasons recorded in preceding discussion, and *impugned rejection order is quashed and set aside*, and the petitioner is granted parole for a period of four 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 of Rs.10,000/- with one surety of the like amount to the satisfaction of the Jail Superintendent.
- ii. The petitioner shall report to the SHO of the local area on every Sunday between 10:00 AM to 11:00 AM



during the period of parole.

- iii. 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.
- iv. The petitioner shall reside at the address mentioned in the present petition, which has been verified by the State.
- v. Immediately upon the expiry of the period of parole, the petitioner shall surrender before the Jail Superintendent.

Directions to the Competent Authority

17. Before parting with the case, this Court is constrained to observe that on several occasions in the past, similar cases have come before this Court where the competent authority has failed to advert to the actual record, and passed rejection orders in a mechanical manner, leading to unjustified denials of parole. The present case is a one such textbook example, where despite the fact that the last jail punishment was issued to the petitioner as far back as 2019, and thereafter he had been granted furlough on nine occasions without a single instance of misuse, the authority has nonetheless concluded that his overall conduct is unsatisfactory, and he is not entitled to parole. Such orders compel convicts, many of whom are unable to effectively represent or defend themselves, to approach this Court through jail petitions, which places unnecessary burden on both the judicial and legal aid systems.



18. Therefore, this recurring pattern of rejection orders being passed without due reference to the record or proper reasoning, as observed in the present case, has compelled this Court to issue certain directions to ensure that applications for parole and furlough are decided in a fair, reasoned, and legally sustainable manner.

19. Accordingly, this Court **directs** as under:

- (i) While passing any orders rejecting parole or furlough applications, the competent authority shall specifically record the reasons for such rejection, clearly indicating the particular instances of misconduct or adverse conduct and its date being cited as a ground for rejection, as reflected in the nominal rolls.
- (ii) The competent authority shall also take note as to whether the punishment(s), if any, awarded to a convict were major or minor in nature, and whether the same were approved by the concerned District & Sessions Judge, in accordance with the Delhi Prison Rules.
- (iii) The competent authority shall ensure that the entire history *qua* the jail conduct of the convict and record of release of the convict are duly considered before taking a decision. This shall include reference to any previous releases on furlough, parole, emergency parole, or interim bail, as well as whether the convict had surrendered on time and complied with the conditions imposed.

20. This Court expects that the authorities shall adhere to the above directions in letter and spirit, so that decisions relating to



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parole and furlough applications are rendered with due regard to objectivity, fairness, and the reformatory purpose of the imprisonment.

21. In above terms, the present petition is disposed of.
22. A copy of this judgment be sent by the Registry to the Jail Superintendent concerned.
23. A copy of this judgment be also sent by the Registry to all the Jail Superintendents in Delhi, and to the Secretary, Department of Home, Government of NCT of Delhi for information and compliance.
24. The compliance report be filed before the learned Registrar General of this Court and, thereafter, be placed before this Court.
25. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

OCTOBER 16, 2025/zp