



2026:DHC:2621



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

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Judgment reserved on: 16.03.2026
Judgment pronounced on: 27.03.2026
Judgment uploaded on: 28.03.2026

+ **W.P.(CRL) 577/2026**

ABHINAV ANAND @BABBALPetitioner

Through: Mr. Sumer Singh Boparai
(DHCLSC), Mr. Surya Pratap
Singh and Mr. Abhilash
Kumar Pathak, Advocates.

versus

STATE OF NCT OF DELHIRespondent

Through: Mr. Rahul Tyagi, ASC for the
State with Mr. Sangeet Sibou,
Mr. Aniket Kumar Singh, Mr.
Shubham Goyal and Mr.
Priyansh Raj Singh Senger,
Advocates.

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. By way of the present petition, the petitioner seeks issuance of writ in the nature of *certiorari* for setting aside the rejection order bearing number F.18/282/2018/HG/PRISONS/4297-4300 dated 09.01.2026 passed by the respondent/competent authority, and writ in the nature of *mandamus* directing the respondent to release the



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petitioner on parole for a period of two months.

2. The facts, as apparent from the records, are that the petitioner herein is presently confined in Central Jail No. 14, Mandoli, Delhi, in connection with case arising out of FIR No. 281/2012, registered at Police Station New Usmanpur, Delhi. The petitioner faced trial in the said FIR, and he was convicted *vide* judgment dated 21.02.2017 by the learned Trial Court for offences under Sections 302/367/377/34 of the Indian Penal Code, 1860 [hereafter '*IPC*'], and *vide* order on sentence of even date, he was sentenced to undergo imprisonment for life. Being aggrieved by the said judgment and order, the petitioner had filed criminal appeal, which was disposed of by this Court *vide* order dated 21.05.2018 and his conviction under Section 377 of the IPC was set aside. Thereafter, the Special Leave Petition preferred against the said order was also dismissed by the Hon'ble Supreme Court *vide* order dated 11.03.2022.

3. The nominal roll of the petitioner has been received. Upon perusal of the same, it is noted that the petitioner has remained in judicial custody for about 13 years in relation to the present case.

4. The learned counsel appearing for the petitioner argues that the petitioner has, as on date, undergone actual custody of about 13 years, excluding remission. It is argued that the object of parole is reformatory in nature, intended *inter alia* to preserve family ties and facilitate social reintegration. It is submitted by the learned counsel that the petitioner had jumped parole in July 2023, for which he was



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duly punished *vide* Punishment Ticket dated 01.09.2023 in which the Canteen Facility was stopped. However, it is emphasised that the said lapse was neither deliberate nor intentional, but arose out of compelling personal and family circumstances. Importantly, during the said period, the petitioner neither indulged in any criminal activity nor committed any act of violence, and he ultimately surrendered voluntarily before the jail authorities. It is further submitted that since his re-arrest, the petitioner has remained in custody for more about two and a half years, and his overall conduct, particularly during this period, has been consistently satisfactory. Therefore, it is prayed that the present petition be allowed and the petitioner be released on parole for a period of three weeks.

5. On the other hand, the learned ASC for the State submits that the applicant has jumped parole on multiple occasions and has been re-arrested twice, once in 2020 and thereafter in 2023. It is further stated that the petitioner has also been awarded various jail punishments between 27.11.2017 to 01.09.2023 and his overall jail conduct has been reported as unsatisfactory. Such conduct, according to the learned ASC, clearly demonstrates a repeated and deliberate breach of the trust reposed in him by the prison authorities as well as this Court, but he has consistently misused the liberty granted to him. In these circumstances, the possibility of the petitioner absconding again, if released on parole, cannot be ruled out. In view of the above, it is prayed that the present petition be dismissed.

6. This Court has **heard** arguments addressed on behalf of the



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petitioner as well as the State, and has gone through the case file.

7. In the present case, petitioner seeks *inter alia* the setting aside of order dated 09.01.2026 passed by the concerned Competent Authority *vide* which his application for grant of parole has been rejected. The said order reads as under:

“With reference to the proposal in respect of the above said convict for grant of parole received in this office *vide* file CD No. 003815588, it is to inform that after due con~ideratipn, Hon'ble Lt. Governor of Delhi has rejected the request of the above.said convict for giant of parole in view of the following:-

1. The convict is not eligible for parole as per Rule 1210 (IV) of Delhi Prison Rules, 2018:-

Sub rule (IV):- "The convict should not have violated any terms and conditions of the parole or furlough granted previously". In this case, the above said convict was released on 01 month parole w.e.f. 09.06.2023 to 09.07.2023 granted by Hon'ble High Court of Delhi but he jumped the same and rearrested on 01.09.2023

2. As per **Rule 1211 sub rule (iii) of Delhi Prison Rule-2018, which provide that:- "In the following cases, parole should not be granted, except if in the direction of the competent authority special circumstances of granting parole**

(III)."Prisoners who are considered dangerous or have been involved in serious prison violence like assault, outbreak of riot, mutiny or escape, or re-arrested who absconded while released on parole or Furfough or who have been found to be investigating serious violations of prison discipline as per the reports in his/her annual good conduct report." In this case, the above said convict was released on 01 month parole w.e.f. 09.06.2023 to 09.07.2023 granted by Hon'ble High Court of Delhi but he jumped the same and re-arrested on 01.09.2023.

3. Further, as per nominal roll the overall jail conduct of said convict is reported as unsatisfactory.”

8. Thus, as is evident from the above order, the petitioner's



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request for parole has been declined primarily on the ground that he had failed to surrender within the stipulated time during his earlier release on parole from 09.06.2023 to 09.07.2023, pursuant to order of this Court, and was subsequently re-arrested on 01.09.2023, thereby violating the conditions of parole and attracting a punishment ticket dated 01.09.2023.

9. While considering the present writ petition for grant of parole, court remains conscious of the fact that the petitioner has been awarded rigorous imprisonment for life and that as per the Nominal Roll, he has already remained incarcerated for about 13 years, between 2012 to 2026. The jail conduct of the petitioner, of last one year, has been reported as satisfactory. As regards the overall jail conduct of the petitioner, it is reported to be unsatisfactory, only due to multiple punishments awarded to the petitioner between year 2017 to 2023. However, this Court has also considered the fact that since 01.09.2023 i.e. when the petitioner herein was re-arrested in the present case after he had not surrendered after expiry of period of parole, he has remained in jail continuously for a period of about 2 years 6 months, and no adverse report or misbehaviour on part of petitioner has been reported during this period. Therefore, his jail conduct for the last 2 years and 6 months has been satisfactory. As per nominal roll, the petitioner has been working as a *kheti Punja Sahayak* in jail.

10. Needless to say, while dealing with an issue relating to grant of parole or furlough to a convict, the Courts are required to balance the



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interests of convict as well as of the society. It is also not disputed that the petitioner has continuously remained in jail since 01.09.2023 and has not been released on parole or furlough since then, and thus, it will be essential for him to maintain social ties with society and family members.

11. It is also brought to the attention of this Court that the petitioner belongs to an economically and socially underprivileged background. His family consists of his two brothers. That the mother and father of the petitioner are very old and having health related issues.

12. This Court is also of the opinion that the purpose behind enactment of provision of parole is to facilitate the maintenance of family and social ties of the convicts, supporting their rehabilitation and reintegration into society, providing them relief from the rigors of imprisonment, promoting their positive behavior and discipline within the prisons, and contributing to their overall well-being and emotional health.

13. In these circumstances, and for the reasons recorded hereinabove, this Court is inclined to direct the release of the petitioner on parole for a period of one (01) month from the date of his release from jail, subject to the following terms and conditions:

- i. The petitioner shall furnish a personal bond in the sum of Rs.10,000/- with one surety of the like amount, who shall



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- be a family member, to the satisfaction of the Jail Superintendent concerned.
- ii. The petitioner shall report to the SHO concerned of the local area once a week 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.
 - iv. The petitioner shall reside at the address mentioned in the present petition during the period of parole.
 - v. The petitioner shall surrender before the Jail Superintendent, immediately after the expiry of the period of parole.
14. Accordingly, the present petition is disposed of.
15. A copy of this judgment be forwarded to the concerned Jail Superintendent for information and compliance.
16. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MARCH 27, 2026/

GJ