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

% *Date of Decision : 27.11.2025*

+ W.P.(CRL) 3411/2025

SHIVAM SINGH ALIAS NANHEPetitioner

Through: Mr. Aman Panwar, Mr. Abhinav
Kumar, Mr. Manav Kaushik and
Ms.Rishika Choudhary, Advs.

versus

STATE OF NCT OF DELHI THROUGH CHIEF
SECRETARY

.....Respondent

Through: Mr Sanjeev Bhandari, ASC with Mr
Arjit Sharma and Ms Sakshi Jha,
Advs.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J. (ORAL)

1. By way of instant petition, the petitioner seeks issuance of writ in the nature of Certiorari or any other appropriate writ, order or directions for quashing of Order No.F. 18/52/2023/HG/2592-94 dated 03.09.2025, passed by the respondent/competent authority of the GNCT of Delhi, whereby the petitioner's application for parole was rejected. The petitioner further seeks the issuance of the writ of Mandamus to release the petitioner on parole for a period of 04 weeks, in FIR No. 525/2015, registered at Police Station Govind Puri, Delhi for the commission of offence punishable under Section



302 of the Indian Penal Code, 1860 (hereafter '*IPC*').

2. The petitioner is presently confined in Central Jail No. 02, Tihar, New Delhi. By virtue of judgment dated 04.06.2019 passed by the learned Trial Court, the petitioner was convicted under Section 302 of *IPC*, and was sentenced to undergo imprisonment for life and to pay a fine of Rs.1,000/- and in default of payment of fine to undergo, simple imprisonment for a period of one month. The petitioner's appeal against conviction i.e., CRL.A. 1108/2019 was dismissed by this Court *vide* judgment dated 24.05.2023.

3. The learned counsel for petitioner argues that the petitioner has remained in judicial custody for more than 10 years, in relation to the present cases. It is stated that the petitioner had applied for parole in the present cases, however, the respondent/competent authority, without appreciating the contents of the application, rejected the same on 03.09.2025. Further, it is argued that the respondent has failed to appreciate the fact that release on parole is a wing of reformatory process, which is expected to provide opportunity to the prisoner to transform himself into a useful citizen for maintaining the social ties. Further, it is argued that the family of the petitioner consists of his old mother and father, who are aged approximately 55 and 61 years respectively. Therefore, it is prayed that the present petition be allowed and the petitioner be released on parole.

4. On the other hand, learned ASC for the State argues that the respondent/ competent authority has passed a well-reasoned order, dismissing the application seeking parole filed by the petitioner herein. Further, it is argued that the petitioner has been convicted and sentenced to life imprisonment in the present case. It is submitted that the unsatisfactory



conduct of the petitioner has been taken into account by the Competent Authority, while passing the impugned order, on the basis of punishments awarded to him, which have been mentioned in column no. 18 of the nominal roll. In these circumstances, it is submitted that an appropriate order may be passed in the present case, considering the overall facts and circumstances.

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

6. In the present case, the application seeking parole filed by the petitioner was dismissed by the respondent/competent authority, *vide* the following order dated 03.09.2025, as given below:

“...”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/2025/3389, dated: 05.08.2025, it is to inform that after due consideration, the Pr. Secretary (Home) has rejected the proposal as the overall Jail conduct is reported as 'unsatisfactory' in view of multiple punishments.

The convict may be informed accordingly.”

7. This Court notes that the petitioner herein has remained in judicial custody for a period of more than 10 years, excluding the period of remission earned by the petitioner which is more than 01 year and five months. The record further reflects that the last warning issued to the present petitioner for misbehaviour with the jail staff was on 11.07.2023, which, as on date, is more than two years old. Further, the nominal roll clearly mentions the overall conduct of the petitioner for last one year as ‘satisfactory’.



8. This Court, while deciding the present petition, has to balance the rights of the State as well as the rights of a convict, especially in cases such as the present one, where the period of incarceration exceeds 10 years, and where the petitioner has come out of the prison, only on one occasion, in the last more than 10 years i.e. when parole was granted to him by this Court w.e.f. 06.11.2024 to 31.12.2024. The Delhi Prison Rules, 2018 itself elucidates the aim and object of granting parole to a prisoner, in the following words:

“1197. Parole and Furlough to inmates are progressive measures of correctional services. The release of prisoner on parole not only saves him from the evils of incarceration but also enables him to maintain social relations with his family and community. It also helps him to maintain and develop a sense of self-confidence. Continued contacts with family and the community sustain in him a hope for life. The release of prisoner on furlough motivates him to maintain good conduct and remain disciplined in the prison.

1200. The objectives of releasing a prisoner on parole and furlough are:

- i. To enable the inmate to maintain continuity with his family life and deal with familial and social matters,
- ii. To enable him to maintain and develop his self- confidence,
- iii. To enable him to develop constructive hope and active interest in life,
- iv. To help him remain in touch with the developments in the outside world,
- v. To help him remain physiologically and psychologically healthy,
- vi. To enable him to overcome/recover from the stress and evil effects of incarceration, and
- vii. To motivate him to maintain good conduct and discipline in the prison..."

9. The petitioner, who resides in Uttarakhand, undertakes to reside at the said address, if he is released on parole. In case of change of address, the



same will be verified before he is released from jail.

10. Therefore, in view of foregoing observations and considering the overall facts and circumstances of the case, this Court is inclined to grant parole to the petitioner, for a period of three weeks, 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, who shall be his family member, to the satisfaction of the Jail Superintendent concerned.
- ii. 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 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. Immediately upon the expiry of the period of parole, the petitioner shall surrender before the Jail Superintendent.
- v. The period of parole shall be counted from the day when the petitioner is released from jail.

11. In above terms, the present petition along with pending application, if any, is disposed of.

12. A copy of this order be sent by the Registry to the Jail Superintendent concerned forthwith.

13. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

NOVEMBER 27, 2025/A/R