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

+ **W.P.(CRL) 3146/2025**

AJMER SINGH ALIAS PINKA

.....Petitioner

Through: Mr. Rajbir Singh Bal and Ms.
Sanstuti Mishra, Advs.

versus

THE STATE OF NCT OF DELHI THROUGH SHO KANJAWALA

.....Respondent

Through: Mr. Amol Sinha, ASC
SI Rakesh, P.S.Kanjhawala.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

25.09.2025

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1. This is a petition under Article 226 of the Constitution of India read with Section 528 of BNSS, 2023, for issuance of writ in the nature of Mandamus for grant of emergency parole to the petitioner for a period of 02 months, to enable him to perform the last rites of his deceased father, attend to family obligations, and re-establish his social and familial ties.

2. Petitioner was convicted in case FIR No. 139/2018, PS Kanjhawala, under Sections 376/354B/506 IPC and Section 66E of IT Act and vide order on sentence dated 24.04.2025, he has been sentenced to undergo:-

- i. RI for 14 years alongwith fine of Rs. 50,000/-, in default to undergo RI for 06 months for offence under section 376 IPC
- ii. RI for 05 years alongwith fine of Rs. 10,000/-, in default to undergo RI for 01 month for offence under section 354B IPC



- iii. RI for 02 years alongwith fine of Rs. 10,000/-, in default to undergo RI for 01 month for offence under section 506 IPC
 - iv. RI for 03 years alongwith fine of Rs. 1,00,000/-, in default to undergo RI for 06 months for offence under Section 66E of IT Act
- All sentences are to run concurrently.

3. Learned Counsel for the petitioner states that the petitioner is presently confined in Central Jail-02, Tihar Jail, New Delhi and has at present undergone incarceration of about 01 year and 09 months 15 days (excluding remission) out of RI for 14 years and fine. It is stated that the petitioner's father passed away on 16.09.2025 due to a heart attack- a fact duly verified by the Investigating Officer. The copies of the death summary of the petitioner's father and cremation receipt have been placed on record.

4. Ld. Counsel further submits that the petitioner being the eldest son, is required to perform the last rites and customary rituals of his late father and therefore he has filed the present petition seeking grant of parole for a period of 02 months to attend the final rites/"Tehravi" of his deceased father fixed on 26.09.2025. It is further stated that the petitioner has not availed any spell of parole/furlough during his incarceration and his jail conduct as per the Nominal Roll dated 25.09.2025 has been "Satisfactory". He has accordingly prayed for parole on humanitarian grounds.

5. The Ld. ASC for the State apprised the Court that the offence committed by the petitioner is of a grave and serious nature. He submits that as per the instructions received from the Investigating Officer, the fact that petitioner's father passed away on 16.09.2025 and the final rites/"Tehravi" ceremony being scheduled on 26.09.2025 has been duly verified and fairly states that for the limited purpose of performing the last rites of his father,



release of the petitioner on parole can be considered due to the emergent situation.

6. On the aspect of parole sought for 02 months, Ld. ASC contends that as per Rule 1212 of the Delhi Prison Rules, 2018, parole cannot be granted for more than 04 weeks.

7. Heard learned counsel for the parties and perused the record.

8. The Nominal Roll dated 25.09.2025 received from Superintendent of Prison, Central Jail No. 2, Tihar, New Delhi reflects that the present petitioner has not availed any spell of furlough/parole on any occasion during his period of incarceration and that his conduct has been “Satisfactory”.

9. Rule 1212 of the Delhi Prison Rules, 2018 reads as under:-

*“1212. A convict would be released on parole for a period of maximum eight weeks in minimum two spells in a conviction year. **However, the period of release in one spell should not be more than four weeks.** There should be one month gap between parole and last furlough availed and vice-versa.*

Note:- (1) If the convict has applied for extension after surrendering from the original parole or his application for parole is pending decision when he surrendered after availing original parole then his case will be considered as fresh case.

(2) Simultaneous parole to co-accused is ordinarily not permissible, however, in exceptional circumstances competent authority may consider for reasons in writing for granting parole to co-accused who are family members.”

10. In the present case, the petitioner has to attend the final rites/“Tehravi” of his deceased father and he seeks grant of parole for 02 months on this ground. It is well settled that parole is an established facet aimed at enabling a convict to maintain family and social ties and to discharge essential obligations. The right to perform last rites of a parent is an essential religious and moral duty. Denial of parole in such circumstances



would violate the petitioner's right to dignity under Article 21 of the Constitution. The Court is mindful of the fact that the offence committed by the petitioner is of a grave and serious nature, but to deny parole in existence of a humanitarian ground would amount to a mechanical application of the Rules, defeating the very objective underlying parole jurisprudence.

11. Considering the peculiar facts that the petitioner's father expired on 16.09.2025 and that the final rites/"Tehravi" ceremony is scheduled on 26.09.2025, this Court is of the view that the petitioner deserves to be released on parole for a limited period.

12. Accordingly, the petition is allowed and the petitioner is directed to be released on parole for a period of 04 weeks from the date of release, subject to the following conditions:

(i) Petitioner shall furnish a personal bond of Rs. 20,000/- with one surety of the like amount to the satisfaction of the Jail Superintendent;

(ii) He shall reside only at the address mentioned in the memo of parties and shall not leave the jurisdiction of the concerned Police Station without prior intimation;

(iii) He shall report to the SHO, PS Kanjhawala, once a week, every Tuesday at 10:00 AM. The concerned officer shall release the petitioner by 11:00 AM after recording his presence and completing all necessary formalities;

(iv) The petitioner shall provide his mobile number to the concerned jail authorities and to the Investigating Officer and ensure it remains operational at all times;

(v) He shall not directly/indirectly attempt to influence witnesses or tamper with the evidence and shall not indulge in any criminal activity;

(vi) He shall surrender before the Jail Superintendent



immediately upon expiry of the parole period.

13. It is made clear that breach of any of the above conditions shall entail cancellation of parole forthwith.
14. The petition is accordingly disposed of in the above terms.
15. Copy of the order be sent to the concerned Jail Superintendent for information and necessary compliance.

RAVINDER DUDEJA, J

SEPTEMBER 25, 2025/AK