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

+ W.P.(CRL) 1770/2026, CRL.M.A. 17818/2026

GAGANDEEPPetitioner

Through: Ms. Vanshika Gupta, Adv.

versus

STATE OF NCT OF DELHIRespondent

Through: Mr. Sanjay Lao, SC for State with
SI Ravi Shankar, PS: Ashok Vihar

CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER
03.06.2026

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1. By virtue of the present petition under *Article 226* of the Constitution of India read with *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner, convicted and sentenced under *Sections 363/376* of the Indian Penal Code, 1860 (**IPC**) and *Section 6* of the Protection of Children from Sexual Offences Act, 2012 (**POCSO Act**) by the learned ASJ-01, North-West District, Rohini Court, New Delhi (**Trial Court**) in proceedings arising out of FIR No.110/2017 registered at PS: Ashok Vihar, seeks setting aside of the order dated 15.05.2026 (**impugned order**) passed by the Competent Authority rejecting the representation for parole made by the petitioner, as also grant of parole for a period of *three weeks* for the purpose of filing a Special Leave Petition (**SLP**) before the Hon'ble Supreme Court.



2. Learned counsel for the petitioner submits that the judgement on conviction dated 18.05.2022 and order on sentence dated 19.05.2022 passed by the learned Trial Court whereby the petitioner has been sentenced to undergo rigorous imprisonment for a cumulative period of 10 years have been upheld by this Court *vide* order dated 10.09.2025, thereby dismissing the appeal preferred by the petitioner being CrI. A No.603/2022. Aggrieved thereby, he submits that the petitioner intends to file an SLP before the Hon'ble Supreme Court, as also to be represented by a counsel of his choice for the same, however, his representation before the Competent Authority has been rejected for the sole reason that he has been convicted under the POCSO Act, thereby hampering his right to pursue his final legal remedies before the Hon'ble Supreme Court.

3. Issue notice.

4. Learned SC for State accepts notice and submits that he has no objection if the present petition is allowed and the petitioner is granted parole *albeit* for a reasonable amount of time.

5. Heard.

6. It has been the consistent view taken by this Court that the right to file an SLP before the Hon'ble Supreme Court is vital and cannot be curtailed for procedural latches, as also the same would very much fall within the realm of '*special circumstances*' as envisaged in Rule 1211 of the Delhi Prison Rules, 2018 [*order dated 13.01.2026 in W.P.(CrI.) 107/2026 entitled 'Danish vs. State of NCT of Delhi'*; *order dated 06.11.2025 in W.P.(CrI.) 3627/2025 entitled 'Nadeem vs. State (Govt. of NCT of Delhi)'*].



7. In view of the aforesaid alongwith the grounds on which parole is sought, as also the no objection of learned SC, in the interest of justice, the impugned order passed by the Competent Authority is set aside, and the petitioner, convicted and sentenced under *Sections 363/376 IPC* and *Section 6 POCSO Act* by the learned Trial Court in proceedings arising out of FIR No.110/2017 registered at PS: Ashok Vihar, is directed to be released on parole for a period of *two weeks* from the date of his release, subject to him furnishing a personal bond in the sum of *Rs.10,000/- (Rupees Ten Thousand Only)* with one surety of the like amount to the satisfaction of the Jail Superintendent, and further subject to the following conditions:-

- i. During the period the petitioner remains out on parole, the petitioner shall not leave NCT of Delhi and shall report to the SHO, PS: Ashok Vihar on every Saturday.
- ii. The petitioner shall also provide the SHO, PS: Ashok Vihar with a mobile number which shall be kept in working condition at all times.
- iii. The petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the complainant/ victim/ survivor or any member of the complainant/ victim/ survivor's family or tamper with the evidence of the case.
- iv. The petitioner is directed to surrender before the Jail Authorities on the expiry of the period of parole at or before 04:00 PM.

8. Copy of the present order be sent to the concerned Jail Superintendent for information and necessary compliance.



9. The present petition is allowed and disposed of in the aforesaid terms.

**SAURABH BANERJEE, J.
(VACATION JUDGE)**

JUNE 03, 2026/So