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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3169/2025 , CRL.M.A.33210/2025**
RANA PRATAP SINGHPetitioner
Through: Ms. Tanya Agarwal, Advocate.
versus
STATE OF NCT OF DELHI & ANR.Respondents
Through: Mr. Rahul Tyagi, ASC (Criminal) for
the State.
Mr. Ishkaran Singh Bhandari with
Mr. Piyush Yadav, Advocate for R-2.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER
% **06.02.2026**

CRL.M.A. 3974/2026 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

W.P.(CRL) 3169/2025

CRL.M. (BAIL) 256/2026

Though worded differently, by way of the present application filed under section 430 read with section 528 of Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks parole by reason of the precarious medical condition of his father.

2. Issue notice.
3. Mr. Rahul Tyagi, learned ASC (Criminal) appears for the State on advance copy; and accepts notice.



4. Mr. Ishkaran Singh Bhandari, learned CGSC appears on behalf of respondent No.2/Border Security Force ('BSF'); and accepts notice.
5. Mr. Bhandari draws attention to sections 78 and 128 of the Border Security Force Act 1968 ('BSF Act'), to submit, that in addition to the Delhi Prison Rules 2018 ('DPR') that govern the petitioner's custody, the petitioner cannot be released on parole without considering the stand of the BSF.
6. It is noticed however, that section 78 of the BSF Act merely states that regardless of a person having been dismissed from the BSF, he would continue to be *subject to* the provisions of the BSF Act; whereas section 128 of the BSF Act relates to the grant of pardon and remission to a convicted person who falls within the ambit of the BSF Act.
7. Learned ASC appearing for the State has handed-up a copy of Instructions dated 31.08.2012 issued by the Ministry of Home Affairs, Government of India (Directorate General of Border Security Force), to submit, that it is also their stand that as per the said instructions, applications filed by BSF personnel convicted by Security Force Courts and undergoing imprisonment in a civilian prison, are governed by those instructions; and one of the instructions is that prison authorities are mandated not to grant parole to such convict "*on their own*" i.e., without concurrence of the concerned authorities of the BSF.
8. The copy of Instructions dated 31.08.2012 is taken on record.
9. On the other hand, Ms. Tanya Agarwal, learned counsel appearing for the petitioner has drawn attention to the petitioner's Nominal Roll



dated 08.12.2025, to show that the petitioner has been granted interim bail/parole by the jail authorities as well as by this court, on 06 prior occasions, between 2011 and 2025. Ms. Aggarwal submits, that at no stage was any concurrence required from the BSF. That apart, counsel also points-out that there have been occasions when the BSF has granted similar relief to the petitioner.

10. The submission is borne-out from the nominal roll, which shows that the petitioner was granted furlough by this court on 06 occasions between 2015 and 2020.
11. Ms. Agarwal has also handed-up a copy of a judgment dated 26.03.2025 passed by a Co-ordinate Bench in W.P.(CRL) 511/2025 and order dated 01.07.2025 passed in the same proceedings, to argue that the petitioner has been granted parole by this court, as recently as on 26.03.2025, in which instructions dated 31.08.2012 were never cited by the BSF.
12. Learned counsel further submits, that though the nominal roll records that the petitioner's overall jail conduct has been 'unsatisfactory', it must be noted that his jail conduct over the last one year has been 'satisfactory'. Moreover, Ms. Aggarwal submits that it may also be appreciated, that the observation in the nominal roll that the petitioner's overall jail conduct has been unsatisfactory is based on certain infractions of prison rules, which infractions are not serious in nature; and in any case, the petitioner has already atoned by serving-out the punishments for those infractions.
13. It is pointed-out that the petitioner has no other pending criminal involvements; and in another case that was registered against him



under section 354 of the Indian Penal Code 1860, and section 10 of Protection of Children from Sexual Offences Act 2012, he stands acquitted on 24.03.2025.

14. The nominal roll also shows that the petitioner has served actual sentence of more than 16 years and 09 months and has earned remission of more than 04 years and 04 months, bringing his overall sentence served to about 21 years.
15. Upon a conspectus of the foregoing, this court is inclined to allow the present petition, thereby granting to the petitioner – **Rana Pratap Singh s/o Shri Mukhtiar Singh** – *parole*, for a period of 04 weeks, on the following conditions:
 - 15.1. The petitioner shall furnish a personal bond in the sum of Rs.10,000/- (Rs. Ten Thousand Only) with 01 surety in the like amount from a family member, to the satisfaction of the Jail Superintendent;
 - 15.2. The petitioner shall not leave the State of Delhi without prior permission of the court and shall *ordinarily* reside at the address as per prison records/as mentioned in the petition ;
 - 15.3. The petitioner shall present himself before the S.H.O. under whose jurisdiction he resides while on parole, on every Friday between 11 am and 11:30 am to mark his presence. However, he will not be kept waiting longer than an hour for this purpose;
 - 15.4. The petitioner shall furnish to the concerned S.H.O., a cellphone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;



- 15.5. The petitioner shall not indulge in any act or omission that is unlawful or that would prejudice the proceedings in pending cases, if any; and
- 15.6. Upon expiry of the period of parole, the petitioner shall surrender before the Jail Superintendent.
16. However, the question of interplay between the provisions of the BSF Act and the provisions of the DPR, is kept open to be considered in an appropriate case.
17. Nothing in this order shall be construed as an expression of opinion on the legal issues referred to above.
18. A copy of this order be sent to the concerned Jail Superintendent *forthwith*.
19. The application stands disposed-of.
20. In view of the order passed above, nothing further survives for adjudication in the writ petition.
21. Writ petition is disposed-of as infructuous.
22. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 6, 2026

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