



\$~65

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 4260/2025**

FAISAL

.....Petitioner

Through: Ms. Sanjana Gupta, Advocate.
versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Kshitiz Garg appearing for Mr.
Amol Sinha, ASC for the State.
SI Anita, P.S. Keshav Puram and SI
Shivali.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

%

24.03.2026

CRL.M.A. 38439/2025 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed of.

W.P.(CRL) 4260/2025

By way of the present petition filed under Article 226 of the Constitution of India read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks parole for a period of 04 weeks.

2. Issue notice.
3. Mr. Kshitiz Garg, learned counsel appears for Mr. Amol Sinha, learned ASC for State, on advance copy; and accepts notice.
4. In an earlier round of litigation, pursuant to directions issued *vidé* order dated 24.11.2025 passed by this court in W.P.(CRL) 3876/2025, the concerned authorities have rejected the petitioner's prayer for parole *vidé* order dated 09.01.2026.



5. Thereafter, as recorded in last order dated 25.02.2026, considering that the matter has been pending since November 2025, this court had accepted the petitioner's oral prayer seeking to challenge order dated 09.01.2026 in the present petition itself.
6. Mr. Garg has handed-up a copy of Status Report dated 23.03.2026, received from the Jail Superintendent; and a copy of Status Report dated 23.03.2026 filed by the Investigating Officer ('I.O.'). Both status reports are taken on record.
7. Ms. Sanjana Gupta, learned counsel appearing for the petitioner submits, that the only ground on which the petitioner's parole application has been dismissed by the concerned authorities *vidé* order dated 09.01.2026 is that Rule 1221(vii) of the Delhi Prison Rules, 2018 says that a prisoner who has been convicted for an offence under the Protection of Children from Sexual Offences Act, 2012 shall not be granted parole, except if in the discretion of the competent authority, special circumstances exist for grant of parole.
8. Learned counsel argues, that the petitioner has suffered about 05 years of judicial custody against a sentence of 20 years awarded to him; his jail conduct has been 'satisfactory'; and he has been serving as *langar sahayak* in prison.
9. Ms. Gupta submits, that the petitioner has never availed parole or furlough in the past, since he had not completed 01-year of custody as a convict, which is a requirement for grant of either parole or furlough; and thereafter, his application seeking parole remained pending with the concerned authorities, which application has now been rejected *vidé* order dated 09.01.2026.



10. Mr. Garg, on the other hand, argues, that in their discretion, the jail authorities have considered that there exist no special circumstances for which parole should be granted to the petitioner, who is a convict under the POCSO Act; and *vidé* Status Report dated 23.03.2026 the jail authorities have opposed the grant of parole.
11. Upon being queried, Mr. Garg submits, that as narrated in the SHO's status report, while verifying the petitioner's address, it is found that the victim and the petitioner used to neighbours some 4-5 years ago, but the victim is now residing elsewhere at a far-away place.
12. The court is further informed that the petitioner's permanent residential address is in District: Bijnor, Uttar Pradesh.
13. Ms. Gupta submits, that as per her instructions, if released, the petitioner would reside at his permanent residential address.
14. Upon an overall conspectus of the foregoing facts and circumstances, based on the status reports filed, and the submissions made, this court is inclined to allow the present petition, thereby, granting to the petitioner - **Faisal s/o Shakeel** *parole for a period of 04 weeks*, subject to the following conditions:
 - 14.1. The petitioner shall furnish a personal bond in the sum of Rs.15,000/- (Rs. Fifteen Thousand Only) with 02 sureties in the like amount from the family members, to the satisfaction of the Jail Superintendent;
 - 14.2. The petitioner shall not leave District: Bijnor, Uttar Pradesh without prior permission of this court and shall *ordinarily* reside at his permanent residential address as



per prison records, except for travelling to and from prison in Delhi;

- 14.3. The petitioner shall present himself before the S.H.O., P.S.: Himpur Deepa, District: Bijnor, Uttar Pradesh every Wednesday 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;
- 14.4. The petitioner shall furnish to the S.H.O., P.S.: Keshav Puram, Delhi 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;
- 14.5. If the petitioner has a passport, he shall surrender the same to the Jail Superintendent;
- 14.6. The petitioner shall not indulge in any act or omission that is unlawful or that would prejudice the proceedings in pending cases, if any;
- 14.7. Upon expiry of the period of parole, the petitioner shall surrender before the Jail Superintendent.
15. A copy of this order be sent to the Jail Superintendent for information and compliance *forthwith*.
16. The present petition is disposed-of in the above terms.
17. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

MARCH 24, 2026

V.Rawat