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

+ **W.P.(CRL) 10/2026**

DILSHAD

.....Petitioner

Through: Mr. Shannu Baghel, Ms. Sonam, Ms. Shambhavi, Mr. Aakash and Mr. Saksham Kumar, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Rahul Tyagi, ASC CRL with Mr. Sangeet Sibou, Mr. Aniket Kumar Singh and Mr. Priyansh Raj Singh Senger, Advocates with SI Vikram Singh, PS Welcome

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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02.04.2026

1. By way of the present petition, the petitioner is seeking following prayers:

“...a) issue a writ in the nature of Certiorari quashing the rejection order no. ORDER NO.F. 18/81/2024IHG/PRISONS/3122 DATED 04.12.2025 passed by the respondent IN FIR No. 136/2006, U/S 30213071449 IPC &. 25127 ARIIS ACT PS Welcome, DELHI; and

b) issue a writ in the nature of Mandamus directing the respondent to release the petitioner on Parole for a period of 04 weeks for re-establishing social and family ties...”

2. It is stated that the petitioner has remained in judicial custody for about 11 years 7 months without remission in relation to the present case.



3. The learned counsel appearing for the petitioner argues that the petitioner has, as on date, undergone actual custody of about 11 years 7 months without remission. It is submitted by the learned counsel that the petitioner was awarded major punishment on 30.05.2024 as had jumped parole. It is further submitted that since his re-arrest, the petitioner has remained in custody, and his overall conduct, particularly during this period, has been consistently satisfactory. Therefore, it is prayed that the present petition be allowed and the petitioner be released on parole for a period of four weeks.

4. On the other hand, the learned ASC for the State submits that the petitioner was awarded major punishment on 30.05.2024 as he had jumped parole. It is further stated that the overall jail conduct of the petitioner has been reported as unsatisfactory. The learned ASC for the State submits that as per Rule 1210 (ii) & iv and Rule 1212 note (2) of the Delhi Prison Rules, 2018, the petitioner will be eligible for grant of parole, two years from the date of major punishment awarded to him which is going to expire on 30.05.2026. In these circumstances, the possibility of the petitioner absconding again, if released on parole, cannot be ruled out. In view of the above, it is prayed that the present petition be dismissed.

5. This Court has heard arguments addressed on behalf of the petitioner as well as the State, and has gone through the case file.

6. Status Report is not on record. However, the copy of the same has been handed over to the Court. Let the same be taken on record.

7. In the present case, petitioner seeks inter alia the setting aside of order dated 04.12.2025 passed by the concerned Competent Authority *vide* which his application for grant of parole has been rejected. The said order reads as



under:

“...1. The convict is not entitled for Parole in view of Rule 1210 sub rule (II) and (IV) and Rule 1212 note (2) of Delhi Prison Rules-2018,

1210 sub rule (II) "The conduct of the Prisoner who has been awarded major punishment for any prison offence should have been uniformly good for last two years from the date of application and the conduct of Prisoner who has been awarded minor punishment or no punishment for any prison offence in prison should have been uniformly good for last one year from the date of application". In this case as per nominal roll, punishment dated 30.05.2024 awarded to the above said convict is major in nature as per rule rules 1271 of Delhi prison Rules 2018.

1210 (IV):- "The convict should not have violated any terms and conditions of the Parole or Parole granted previously". "In this case, the aforesaid convict was released on 4 weeks parole on 10.03.2021 Granted by the Hon'ble High Court of Delhi and his surrendered date fixed for 06.04.2021 but the convict jumped parole and re-arrested in the same case vie. GD No. 02044, dated 30.05.2024, PS- Crime Branch, Delhi.

Rule 1212 Note (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". In this case as per nominal roll, one of his co-accused namely Naushad S/o Rafiq is on parole since 29.11. 2024. Further, two of his co-accused has jumped the parole.

2. As per Rule 1211 sub rule (III) & (UII) of Delhi prison rules 2018 , which provides that: - In the following cases, parole shall not be granted, except, if in the discretion of the competent authority special circumstances exist for grant of parole;

(III) Prisoners who are considered dangerous or have been involved in serious prison violence like assault, outbreak of riot, mutiny or escape, or rearrested who absconded while released on parole or furlough or who have been found to be instigating serious violation of prison discipline as per the reports in his/her annual good conduct report. In this case, the aforesaid convict was released on 14 weeks parole on 10.03.2021 granted by the Hon'ble High Court of Delhi and surrendered date fixed for 06.04.2021 but the convict jumped parole and the and re-arrested in the same case vie. GD No. 0204A, dated 30.05.2024, PS- Crime Branch, Delhi.



(VIII). **If prisoner is convicted for multiple murders, whether in single case or several cases, in this case,** as per nominal roll, the above said convict was found guilty for committing double murder.

3. As per proposal received from Delhi prisons, it is stated that the convict had earlier jumped the parole granted to him and surrendered 03 years later. As a result, punishment was also registered against him. Further, in view unsatisfactory jail conduct, parole violation history and pending fresh social verification report & adverse police verification report the case not found fit for grant of parole at this stage.

4. As per nominal. The overall Jail conduct of the said convict was reported as unsatisfactory"

5. Further, Police authority and jail authority has not recommended grant of parole to the above said convict..”

8. This Court has gone through the records, the overall conduct of the petitioner herein has been reported to be satisfactory and he has served a total 11 years 7 months of imprisonment without remission. The major punishment in this case was awarded about two years back, though the period of two years will expire on 30.05.2026.

9. In these circumstances, and for the reasons recorded hereinabove, this Court is inclined to direct the release of the petitioner on parole for a period of two weeks from the date of his release from jail, subject to the following terms and 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 a family member, to the satisfaction of the Jail Superintendent concerned.
- ii. The petitioner shall report to the SHO concerned 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.
 - iv. The petitioner shall reside at the address mentioned in the present petition during the period of parole.
 - v. The petitioner shall surrender before the Jail Superintendent, immediately after the expiry of the period of parole.
- 10. Accordingly, the present petition is disposed of.
 - 11. A copy of this order be sent by the Registry to the Jail Superintendent concerned.
 - 12. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

APRIL 02, 2026/zp