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

% ***Date of Decision: 14.10.2026***

\# **CNR No. DLHC010498732026**

\+ **W.P.(CRL) 3265/2026, Crl.M.A.32559/2026**

VIJAY KUMAR @ BABLOO .....Petitioner

Through: Mr. Siddharth Satija, Adv. (DHCLSC), Mr. Sriharsh Raj, Mr. Akash Sachar, Mr. Shashank Tewari, Ms. Akanksha Bisht, Ms. Charu Sinha and Mr. Raghav Gupta, Advs.

versus

STATE (NCT OF DELHI) .....Respondent

Through: Mr. Rahul Tyagi, ASC, Criminal, Ms. Priya Rai, Mr. Sangeet Sibou, Mr. Neeraj Paswan, Ms. Shruti Gupta and Mr. Priyansh Raj Singh, Advs., State. Inspector Madan Mohan, PS Ashok Vihar.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (ORAL)

1. The petitioner is a convict undergoing life imprisonment and lodged in Central Jail No. 14, Mandoli, New Delhi. The present petition, assails the order no. F.18/13/2026/HG/PRISONS/7964-66, dated 02.09.2026, wherein the Home Department, Government of NCT of Delhi, rejected the petitioner's application for parole. The petitioner seeks parole for an appropriate period to take care of and make educational and financial arrangements for his minor

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son, who is aged about 15 years.

2. As per the nominal roll, the petitioner, as on 21.09.2026, has undergone 10 years, 10 months, and 27 days of actual custody and has earned remission of 01 year, 09 months, and 10 days. The Nominal Roll also records the following:

a. In 2015, the petitioner surrendered two days late after the interim bail. In 2016, he again surrendered 14 days late pursuant to the grant of interim bail by this Court.

b. On 18.07.2020, this Court released the petitioner on parole for three weeks. The parole was later extended to 15.03.2021, but the petitioner jumped parole and was re-arrested only on 17.12.2024.

c. After his re-arrest, he was released on 06.08.2025 and surrendered on 15.08.2025. It is submitted that this Court, *vide* order dated 15.07.2025 in W.P. (Crl.) 2093/2025, granted emergency parole for ten (10) days on account of the death of his mother.

d. His overall conduct is recorded as unsatisfactory. However, his conduct for the last one year is recorded as satisfactory.

3. The impugned order rejects the petitioner's application on the following grounds:

a. Rule 1211, sub-rule (III) of the Delhi Prison Rules, 2018 (hereinafter "*DP Rules*") is invoked, and it has been noted that the petitioner jumped parole between 2021 and 2024.

b. As per the nominal roll, the overall jail conduct of the petitioner

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is unsatisfactory.

c. The Police Verification Report states that the petitioner does not have any permanent address, and the given address is that of a school, where the petitioner's brother worked as a driver/guard.

d. The Superintendent Jail and DG (Prisons) has not recommended the petitioner's release.

4. Learned counsel for the petitioner contends that the impugned order has been passed mechanically and without regard to the peculiar facts and circumstances of the present case. The learned counsel also points out that the petitioner's minor son has lost his mother and both his grandparents, and is, therefore, compelled to live with the family friend/s of the petitioners at B-41, Mayawati Colony, Near Ram Ganga Nagar Police Chowki, Dora Road, Thana Bithri, Chainpur, Bareilly, Uttar Pradesh. It is further urged that the petitioner's conduct after re-arrest, including his timely surrender from parole granted by this Court, has not been considered.

5. Learned APP for the State opposes the present petition by emphasising the past conduct of the petitioner, particularly the fact that the petitioner jumped parole and was re-arrested only after an inordinately long period.

6. It is pertinent to point out that Rule 1211(III) of the DP Rules opens with the phrase:

> "*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****:*"
>
> (emphasis supplied)

7. Accordingly, the bar on the grant of parole, contained in Rule 1211(III) of the DP Rules, is not absolute. This has been reiterated by a Co-ordinate

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Bench of this Court in ***Rohit v. The State*, W.P. (Crl.) 402/2022**, *vide* order dated 11.05.2022:

> "10. ***The above stated provision of the Delhi Prison Rules, 2018 does not create an absolute bar and the competent authority is vested with a discretion even in cases as stated above for the grant of parole***. It is clear that the rejection order did not consider the special circumstances which were required to be considered for the grant of parole."
>
> (emphasis supplied)

8. It would also be apposite to refer to the observations of this Court in ***Neeraj Bhatt v. The State (Govt. of NCT) of Delhi*, W.P. (Crl.) 3071/2022**, [judgment dated 05.01.2023]:

> "*7.* ***The bar in the said rule is not absolute since the competent authority has the discretion, even in such cases, to grant parole, provided there exist special circumstances. Though the special circumstances were to be considered by the competent authority, the impugned order does not refer to the special circumstances*** *and that they were found insufficient for grant of parole, rather it only mentions that the SLP can be filed from the jail itself and that the conduct of the applicant was not satisfactory*."
>
> (emphasis supplied)

9. As such, in light of the above *dictum*, it is incumbent upon the competent authority to consider whether special circumstances exist.

10. Doubtless, the petitioner's previous conduct is an adverse circumstance. However, the impugned order calls for reconsideration for the following reasons:

a. It does not reflect application of mind regarding the special circumstances cited by the petitioner.

b. It does not consider the petitioner's conduct after re-arrest, especially the petitioner's timely surrender pursuant to parole

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granted by this Court *vide* order dated 15.07.2025 in W.P. (Crl.) 2093/2025.

c. It does not consider the situation of the petitioner's minor son.

d. The Police Verification Report concerns an earlier address; the petitioner has now furnished a new address at Bareilly, where his son is allegedly residing along with some of the petitioner's family friends.

11. In the circumstances, the petition is disposed of with the following directions:

a. The impugned order dated 02.09.2026 is set aside.

b. The Station House Officer (SHO), Police Station Ashok Vihar, shall cause the address at B-41, Mayawati Colony, Near Ram Ganga Nagar Police Chowki, Dora Road, Thana Bithri, Chainpur, Bareilly, Uttar Pradesh, to be verified within a period of two weeks from today, through the local police, if necessary.

c. The competent authority shall consider the petitioner's application and pass a fresh speaking order within a period of four weeks from today. In doing so, the competent authority shall consider whether special circumstances exist within the meaning of Rule 1211(III) of the DP Rules and shall also consider the petitioner's conduct after his re-arrest, and the situation of his minor son.

12. The decision shall be communicated to the petitioner through the Jail Superintendent and to his counsel through the Delhi High Court Legal Services Committee (DHCLSC).

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13. The petition, along with the pending application, is disposed of in the above terms.

SACHIN DATTA, J

OCTOBER 14, 2026/cl/vk

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