
(2025) 12 DEL CK 0011

Delhi HC

Case No: Writ Petition (Crl) No. 4048 Of 2025

Sandeep Kumar Alias Manoj

APPELLANT

Vs

State Nct Of Delhi

RESPONDENT

Date of Decision: Dec. 8, 2025

Acts Referred:

- Constitution of India, 1950- Article 21
- Indian Penal Code, 1860- Section 34, 302, 307, 324

Hon'ble Judges: Amit Mahajan, J

Bench: Single Bench

Advocate: Sunil Upadhyay, Rupali Bandhopadhyaya, Abhijeet Kumar, Amisha Gupta

Final Decision: Allowed

Judgement

Amit Mahajan, J

1. The petitioner seeks emergency parole in FIR No. 507/2008 registered at Police Station Anand Vihar, for the offences under Sections 302/307/324/34 of the Indian Penal Code, 1860 ('IPC'), for a period of two months, on the ground of performing the last rites (Tehrvi) of his deceased father, attending family obligations and maintain family and social ties.
2. By judgment dated 30.03.2012 passed by the learned Additional Sessions Judge, Karkardooma Courts, Delhi, the petitioner was convicted for the offences under section 302/34 IPC and by order on sentence dated 03.04.2012, the petitioner Signature Not Verified was sentenced to undergo rigorous imprisonment for life.
3. The nominal roll indicates that the petitioner has already spent more than 13 years in custody.
4. The status report verifies that the father of the petitioner had expired on 27.11.2025 and the last rites/rituals (Tehrvi) is now scheduled for 09.12.2025. The cremation receipt bearing No. 3185 dated 27.11.2025 from Shiv Shankar Shamshan Ghat, Jhohripur, was

found genuine. The Rituals are scheduled to be held at House No. 460, Gali No. 6, Phase 5, Shiv Vihar, Karawal Nagar, Delhi and the neighbours have also confirmed the death and last rites.

5. The nominal roll further indicates that the present petitioner has not availed any spell of furlough/parole on any occasion during his period of incarceration and that the conduct of the petitioner in custody is "satisfactory". It is also on record that the Petitioner was granted parole on an earlier occasion on 12.10.2018, however he could not avail the same due to financial constraints.

6. The Rule 1212 of the Delhi Prison Rules, 2018 provides that a convict would be released on parole for a period of maximum eight weeks in minimum two spells in a conviction year. However, the period of release ***in one spell should not be more than four weeks.***

7. In terms of Rule 1208, a convict is entitled to seek parole on the ground of maintaining family and social ties. It is pertinent to mention that the Hon'ble Apex Court in *Asfaq v. State of Rajasthan* : (2017) 15 SCC 55 had laid down certain guidelines for the grant of parole to a convict. It was observed hereunder:

"13. As far as "regular parole" is concerned, it may be given in the following cases:

i. serious illness of a family member;

*ii. critical conditions in the family on account of accident **or death of a family member;***

iii. marriage of any member of the family of the convict;

iv. delivery of a child by the wife of the convict if there is no other family member to take care of the spouse at home;

v. serious damage to life or property of the family of the convict including damage caused by natural calamities;

*vi. **to maintain family and social ties;***

vii. to pursue the filing of a special leave petition before this Court against a judgment delivered by the High Court convicting or upholding the conviction, as the case may be."

(emphasis supplied)

8. Recently, a co-ordinate bench of this Court, in W.P. (Crl.) 3146/2025 titled "Ajmer Singh Alias Pinka v. The state of NCT of Delhi", vide Order dated 25.09.2025, while granting 4 weeks parole to the convict for attending the last rites and rituals of his deceased father, observed that the right to perform last rites of a parent is an essential religious and moral duty and denial of parole in such circumstances would violate the petitioner's right to dignity under Article 21 of the Constitution.

9. Hence, in the present case, considering that the Petitioner's father has expired on 27.11.2025, and the final rites/tehrvi is scheduled for 09.12.2025, in the existence of a humanitarian ground, this Court considers it apposite to grant the benefit of emergency parole.

10. In view of the above, the petitioner is directed to be released on emergency parole for a period of one week in the current conviction year on the following conditions:

- a. The petitioner shall furnish a personal bond in the sum of ■10,000/- with one surety of the like amount, to the satisfaction of the concerned Trial Court/ Duty MM;
- b. The petitioner shall submit his fresh residential address, where he shall be residing after his release, to the concerned Jail Superintendent, and shall not change the same without informing the concerned Jail Superintendent;
- c. The Jail Superintendent shall release the petitioner after verification of the address;
- d. The petitioner shall furnish his mobile number to the Jail Superintendent as well as to the SHO of the concerned Police Station on which he can be contacted if required. The said mobile number shall be kept active and operational at all times by the petitioner;
- e. The petitioner shall not indulge in any criminal activity during the period of parole;
- f. Immediately upon the expiry of period of parole, the petitioner shall surrender before the concerned Jail Superintendent;
- g. During this period, co-accused, if any, shall not be released on parole/furlough;
- h. The period of parole shall commence from the date of actual release of petitioner.

11. The present petition is allowed in the aforesaid terms.