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

+ W.P.(CRL) 979/2025

MOHD SHEIKH NOOR HUSSAIN

.....Petitioner

Through: Mohd. Sheikh Noor and Mr. Zeeshan
Diwan, Advocates (DHCLSC).

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Rahul Tyagi, ASC (Crl.) for the
State with Mr. Mathew M. Philip, Mr.
Sangeet Sibou and Mr. Aniket Kumar
Singh, Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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16.04.2025

1. Writ Petition under Article 226 of the Constitution of India, has been filed on behalf of the Petitioner, Mohd. Sheikh Noor Hussain, for release on Parole for four weeks in FIR No. 252/2002 under Section 302/376(2)(f) of the India Penal Code, 1860 (*hereinafter referred to as 'IPC'*) registered at Police Station Sarojini Nagar, Delhi, in which he is undergoing the Life Sentence and has already spent more than 20 years in jail.
2. It is submitted in the Petition that the Petitioner had applied for grant of Parole on 26.11.2024 *vide* dispatch No. 5998-99/2024 despite which his Application has not been decided. The Petitioner had sought the copy of his Parole Application from the Authority for annexing along with the Petition but his request was rejected. He has no other alternative efficacious remedy but to seek a Parole from this Court by way of the present Petition. A prayer is made that he may be granted Parole for four weeks. It is further submitted that the Parole/Furlough has been availed many a times by the Petitioner and



he has never misused the liberty granted except during the Emergency Parole in COVID-19 period wherein he surrendered late. However, the delay in surrender was purely because he had no knowledge of the date of surrender. Thereafter also, he has been granted Parole by this Court in W.P.(Crl) No. 293/2024 wherein this ground of late surrender was considered and Parole was granted *vide* Order dated 29.01.2024.

3. It is further submitted that the Petitioner's overall jail conduct is satisfactory. He has not received any punishment except one as mentioned above. He is presently working in jail as Safai Sahayak.

4. It is further submitted that his family comprises of his wife, who is working from home as a tailor and he has two daughters and two sons, who are all minor and school going. He belongs to poor strata of the society. He further submits that he would reside at the address mentioned in the Memo of Parties and his family members or friends would stand as surety for him. In case, the Parole is granted by this Court, he undertakes to abide by all the terms. A prayer is, therefore, made for grant of Parole for a period of four weeks.

5. Learned counsel for the Petitioner further submits that he is seeking Parole for maintaining social and family ties for which Parole may be granted.

6. Learned counsel for the Respondent has submitted that the Status Report along with the copy of the Order dated 15.04.2025 *vide* which the Application for Parole, has been rejected. Let the Status Report be taken on record.

7. **Submissions heard and the record perused.**

8. The most glaring aspect which emerges is that despite an Application



for Parole being filed in November, 2024, it does not get decided within the mandated one month period but it takes a Writ Petition and a Notice by this Court for the Jail Authorities, to decide a Petition and that too in the most arbitrary way, only because of this present Writ Petition.

9. Pertinently, the *first ground* of rejection is the late surrender of the Petitioner after the Emergency Parole. Pertinently, the earlier Application of the Petitioner had been rejected on the same ground, but the Co-ordinate Bench of this Court in its Order dated 29.01.2024 considered this ground and observed that the circumstances and family exigencies, cannot be overlooked while considering the Application while the balance of interest of Covid, as well as, the society has to be considered. This ground was not considered as valid for denying the Parole, which was granted *vide* Order dated 29.01.2024.

10. Once, the Court has specifically observed that this is not a valid ground for denying Parole, the insistence to persist in making this as a ground of rejection of Parole every time compelling the Petitioner to come to the Court, is neither warranted nor appreciated. The Jail administration must be conscious and aware of the Orders being made by the Court and follow them scrupulously.

11. The *second ground* which has been given is that the conduct of the convict, is not satisfactory. The Nominal Roll does not show any new unsatisfactory conduct. Pertinently it notes that the Petitioner had attempted suicide on 08.09.2022. The Jail Authorities must be aware and conscious that an attempt to suicide reflects a mental condition; rather it should have rung the alarm bell that the convict needs to maintain the social ties for his mental health. Instead of appreciating his mental condition, to treat the same



as a crime and to issue a “warning”, reflects again the scant understanding of the Jail Administration regarding the plight of the Petitioner.

12. It cannot be overlooked that he has been in jail for more than 20 years; may be for a crime that he has committed but that does not denude him of his basic Right to Life. Merely because he is confined to jail, does not reduce his status to that of a chattel, bereft of any basic Fundamental Human Rights. It is high time that the Jail Authorities demonstrate a little more sensitivity in dealing with such matters.

13. In the end, it has been observed in the Rejection Order that the request for grant of Parole was made for repair of his house and for arranging funds but this was generic and did not attract exceptional condition to qualify as relief under Section 1211 of the Delhi Prison Rules, 2018. Instead of merely terming it as generic, little more effort on the part of the Jail administration, to at least try to verify the reasons given by him, would have been more appreciable. Even otherwise, the Parole is granted to establish social ties, which at least should have weighed with the Jail Authorities, to consider his Application of Parole. It is indeed a very unhappy situation where time and again the Petitioner is being pushed to approach the Court, for grant of Parole.

14. It is hereby directed that while considering the Parole/Furlough Applications, the same ground should not be repeatedly reiterated for rejection of Parole/Furlough Application. Once a judicial mind has been disclosed in any Order about the validity of any ground for Rejection or Non- Rejection of the Parole/Furlough Application, the same should be more judiciously and scrupulously adhered to by the Jail Authorities.



15. Considering the totality of the circumstances, the petitioner be released on Parole for a period of four weeks, on 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, to the satisfaction of the Jail Superintendent.
- ii. The petitioner shall report to the SHO 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. The said telephone number shall be kept active and operational at all the times by the Petitioner.
- iv. The Petitioner shall ordinarily reside at the address mentioned in the Petition.
- v. Immediately upon the expiry of period of Parole, the Petitioner shall surrender before the Jail Superintendent.
- vi. The period of Parole shall be counted from the day when the Petitioner is released from jail.

16. The Petition stands disposed of accordingly.

NEENA BANSAL KRISHNA, J

APRIL 16, 2025/RS