

V vs State of Nct of Delhi

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Court : Delhi

Decided On : May-20-2026

Judge : Hon'Ble Mr. Justice Saurabh Banerjee

Appeal No. : W.P.(CRL)/1622/2026

Appellant : V

Respondent : State of Nct of Delhi

Advocate for Def. : Mr. Yasir Rauf Ansari

Advocate for Pet/Ap. : Ms. Pallavi Garg, Ms. Sanjana Sharma Sahu

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(CRL) 1622/2026, CRL.M.A. 16231/2026 V ...Petitioner Through:
Ms. Pallavi Garg (DHCLSC) and Ms. Sanjana Sharma Sahu, Advs.

versus

STATE OF NCT OF DELHI ...Respondent Through: Mr. Yasir Rauf
Ansari, ASC for State with SI Deepika, PS: Timarpur

CORAM:

ORDER

% 20.05.2026

1. By virtue of the present petition under Article 226 of the

Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks issuance of a writ of certiorari against the impugned Rejection Order No.F.18/13/2026/HG/Prisons/5760- 62 dated 13.04.2026 passed by the Competent Authority, as also directions to release the petitioner on parole for a period of four weeks for filing a Special Leave Petition (SLP) before the Honble Supreme Court.

2. Succinctly put, this Court vide order dated 27.11.2025 in CRL.A.

upholding the judgement on conviction dated 29.05.2018 as well as order

on sentence dated 03.07.2018 passed by the learned Trial Court arising out of FIR No.75/2015 registered at PS: Timarpur whereby the petitioner has been sentenced to undergo rigorous imprisonment for a cumulative period of ten years along with payment of fine under Section 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and Section 506 of the Indian Penal Code, 1860 (IPC). Being aggrieved by the said

order dated 27.11.2025 and intending to file an SLP before the Honble

Supreme Court, the petitioner made a representation before the Competent Authority seeking grant of parole which was rejected vide the impugned

order citing Rule 1211(VII) of the Delhi Prison Rules, 2018 (Rules).

3. Learned counsel for petitioner primarily submits that it is the

fundamental right of the petitioner under the Constitution of India to be represented by a counsel of his choice in order to pursue the final remedies available to him in the form of an SLP, for which he requires grant of parole. He has also relied upon the order dated 27.03.2026 passed by this Court in W.P.(Crl.) 980/2026, as also numerous orders passed by Coordinate Benches of this Court wherein filing of an SLP before the Honble Supreme Court has been unequivocally held to constitute a special circumstances and petitioners convicted under the POCSO Act have also been granted parole, thereby not treating the bar under Rule 1211(VII) of the Rules as absolute. He lastly submits that the petitioner has already undergone about four years and three months in incarceration, and his conduct while in custody has been satisfactory.

4. Issue notice. Learned ASC for the State accepts notice.

5. Taking an overall view of the facts and circumstances involved,

especially the jurisprudential intent behind parole and the fundamental right of the petitioner to file an SLP before the Honble Supreme Court, for which he needs to be represented by a counsel of his choice to pursue the said remedy, the petitioner herein is directed to be released on parole

for a period of four weeks from the date of his release, subject to him furnishing a personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand Only) with one surety of the like amount by a family member/ friend having no criminal case pending against him/ her, as also subject to the satisfaction of the Jail Superintendent, and further subject to the following conditions:- i. During the period the petitioner remains out on parole, the petitioner shall not leave NCT of Delhi and report to the SHO, PS: Timarpur on every Saturday. ii. The petitioner shall also provide to the SHO, PS: Timarpur, his mobile number which shall be kept in working condition at all times. iii. The petitioner shall not indulge in any

criminal activity and shall not communicate with or come in contact with the complainant/ victim/ survivor or any member of the complainant/ victim/ survivors family or tamper with the evidence of the case. iv. The petitioner is directed to surrender before the Jail Superintendent on the date of expiry of the period of four weeks of parole at or before 04:00 PM.

7. Copy of this order be sent to the concerned Jail Superintendent for information and necessary compliance.

8. The present petition is allowed and disposed of in the aforesaid terms.
SAURABH BANERJEE, J MAY 20, 2026/So

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