

(2025) 07 DEL CK 0855

In the Delhi High Court

Case No : Writ Petition (Crl) No. 1910 Of 2025

Surender Kera @ Narender

APPELLANT

Vs

State Of Nct Of Delhi

RESPONDENT

Date of Decision : 09-07-2025

Acts Referred:

Indian Penal Code, 1860 — Section 34, 120B, 302,307
Arms Act, 1959 — Section 27

Citation : (2025) 07 DEL CK 0855

Hon'ble Judges : Dr. Swarana Kanta Sharma, J

Bench : Single Bench

Advocate : Archit Upadhayay, Sanjeev Bhandari,

Final Decision : Disposed Of

Judgement

Dr. Swarana Kanta Sharma, J

1. By way of the present writ petition, the petitioner seeks writ in the nature of certiorari for setting aside the rejection order bearing number F.18/469/2014/HG/1347-48 dated 16.05.2025 passed by the respondent, and writ in the nature of mandamus directing the respondent to release the petitioner on parole for a period of three months.

2. It is evident from the Nominal Roll placed on record that the petitioner is presently confined in Central Jail No. 14, Mandoli, New Delhi, as he was convicted for commission of offences punishable under Sections 302/120B/307/34 of the Indian Penal Code, 1860 [hereafter 'IPC'] and Section 27 of Arms Act, 1959, and was awarded rigorous imprisonment for life, in case arising out of FIR No. 887/2006, registered at Police Station Punjabi Bagh, Delhi. The criminal appeal preferred by the petitioner was dismissed by this Court, and the Special Leave Petition preferred against the same was also dismissed by the Hon'ble Supreme Court.

3. It is stated that the petitioner had submitted an application for parole through

jail authorities on 08.02.2025, seeking release for a period of two months on the ground of securing admission for his son in a school and arranging funds for the same by selling his property. Pursuant thereto, on 26.02.2025, an inquiry was conducted at the petitioner's residential address for the purpose of verification. On 20.03.2025, the jail authorities had forwarded the petitioner's parole request to the Home (General) Department for consideration. However, despite the lapse of more than 60 days, no decision was communicated by the competent authority, prompting the petitioner to approach this Court by way of W.P. (Crl.) No. 1416/2025. The said writ petition came to be listed on 01.05.2025, when this Court directed the competent authority to decide the petitioner's representation within one week. However, no decision was communicated to the petitioner within the stipulated time. Eventually, on 16.05.2025, after a delay of nine days, the competent authority rejected the petitioner's request, that too without assigning any cogent reasons and in a mechanical manner.

4. The learned counsel appearing for the petitioner submits that the petitioner had sought parole primarily to arrange funds for the education of his minor son, who is studying in Guru Ravidas Public School, situated opposite the New Grain Market, GT Road, Samalkha (Panipat). It is submitted that a fee reminder dated 16.01.2025 has been issued by the said school, indicating outstanding dues of ₹ 18,200/-, with repeated warnings that failure to clear the dues may result in the removal of the child's name from the school rolls. It is further submitted that the petitioner comes from an extremely poor background and has no source of income to support his son's education. His friend, who is currently taking care of the child, is also financially weak and unable to assist further. The petitioner, therefore, intends to sell his only property, situated in Chaudhary Colony, Taravadi, Nilokheri, District Karnal, in order to arrange the necessary funds. The learned counsel submits that the petitioner has displayed good conduct in jail and qualifies for parole as per the provisions of the Delhi Prison Rules, 2018. It is also pointed out that the petitioner has earlier been granted furlough on five occasions and parole once, and on each such occasion, he has abided by the conditions imposed and has not misused the liberty granted to him. Accordingly, it is prayed that the petitioner may be granted parole to enable him to sell his land and ensure that his son's education is not disrupted due to financial hardship.

5. The learned ASC appearing for the State fairly submits that the grounds raised by the petitioner have, to a large extent, been verified. A notice was served to the concerned School in Panipat, Haryana, and it has been confirmed that the petitioner's son is enrolled in Class III. As of July 2025, a total amount of ₹ 20,200/- is outstanding towards his school fees. It is further submitted that a notice was also issued to the Sub-Registrar, Nilokheri, Karnal, Haryana, for verification of ownership of the property that the petitioner claims he intends to sell. The certified sale deed received in response reveals that the property in question is registered in the name of one Narender Kumar, son of Pale Ram, and not in the name of the petitioner; however both of them share the same

parentage. However, the learned ASC emphasizes that the petitioner had earlier jumped parole granted to him from 20.01.2015 to 20.02.2015 by this Court and was only re-arrested on 12.02.2019 after remaining at large for nearly four years. Additionally, the overall jail conduct of the petitioner has been reported as unsatisfactory. In view of the above, it is prayed that the present petition be dismissed.

6. This Court has heard arguments addressed on behalf of both the parties and has gone through the case file.

7. In the present case, this Court notes that the petitioner has remained in judicial custody for about 14 years and 5 months (excluding remission). While his overall jail conduct is reported as unsatisfactory, his conduct over the past one year has been described as satisfactory. The record also reflects that the last punishment awarded to him within the jail was in the year 2020, and since then, he has not committed any jail offence.

8. The petitioner's present application for parole has essentially been rejected on the ground that he had earlier jumped parole in the year 2015 and was re-arrested only in 2019, and therefore, he would now be entitled to parole only in 'special circumstances'. It was the view of the competent authority that the grounds raised by the petitioner do not meet that threshold.

9. However, it is material to note that since his re-arrest in 2019, the petitioner has been released on parole once and on furlough five times, either by this Court or the competent authority. On each of those occasions, he has complied with all conditions, surrendered on time, and not misused the liberty granted to him. Furthermore, his jail conduct during the last five years has been satisfactory. Thus, this Court is of the opinion that the petitioner has demonstrated a pattern of responsible behavior and reformatory attitude.

10. The petitioner is now seeking parole for the purpose of arranging and depositing the pending school fees of his minor son, for which he plans to even sell off his property. It is also submitted by the State that verification from the petitioner's native village, i.e. Garhi Bakhtawarpur, Sonipat, revealed that his family had shifted away around 10-12 years ago after the death of his father, and no further information regarding his current family members could be ascertained. The petitioner has also stated that his minor son presently resides with a friend of his, which indicates that he may not have any other immediate family support available to take care of such responsibilities in his absence.

11. In these circumstances, and considering that the grounds raised by the petitioner have been substantially verified, this Court is inclined to direct the release of the petitioner on parole for a period of three (03) 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, 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.

12. Accordingly, the present petition is disposed of.

13. A copy of this judgment be forwarded to the concerned Jail Superintendent for information and compliance.

14. The judgment be uploaded on the website forthwith.