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

+ **W.P.(CRL) 1431/2025**

MOHD. FARUQUE ALWANDER @ FARUKH @ GENDA

.....Petitioner

Through: Mr. Chetan Bhardwaj and Ms Priyal Bhardwaj, Advocates.

versus

STATE GNCT OF DELHI

.....Respondent

Through: Mr. Yasir Rauf Ansari, ASC for State.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **13.07.2026**

1. The present Writ Petition has been filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 482 Cr.P.C.) seeking setting aside of the order dated 22.04.2025 passed by the respondent rejecting the petitioner's parole application and for a direction to release the petitioner on parole for a period of four weeks in FIR No. 254/2003, P.S. Seemapuri, New Delhi, under Sections 302/34 IPC.

2. The petitioner has been denied the benefit of parole on the ground that as per Rule 1211 sub rule (iv) of the Delhi Prison Rules, 2018, the convict foreigners cannot be granted the benefit of parole without prior approval of the Ministry of Home Affairs and Ministry of External Affairs having valid permission to stay in India, that too only in exceptional circumstances.



3. In the instant case, the petitioner is convicted for offence under Section 302/34 of the IPC, PS Seemapuri and he seeks parole to maintain social ties and family relation and to curb inner stress and depression due to incarceration.

4. The Home Department of the Government of Delhi rejected the parole application filed by the petitioner vide rejection order dated 22.04.2025 and records strong reasons for declining parole. The petitioner is admittedly a foreign national of Bangladesh and his case is governed by Rule 1211(iv) of the Delhi Prison Rules, 2018, which restricts grant of parole to foreign convicts except in special circumstances. The competent authority has further taken into consideration that the petitioner has been convicted in multiple criminal cases, his overall jail conduct is unsatisfactory, and the Superintendent, Jail has not recommended his release on parole.

5. The petitioner has not been able to demonstrate any exceptional circumstance warranting interference with the decision of the competent authority. Merely because the petitioner has undergone a long period of incarceration does not, by itself, entitle him to parole in the face of the statutory restrictions under the Delhi Prison Rules, 2018 and the adverse material noticed by the competent authority.

6. This Court has considered the decision of the Supreme Court in **Asfaq v. State of Rajasthan**¹, wherein it was held that parole is not a matter of right and that while considering a prayer for parole, the competent authority is required to take into account the nature and gravity of the offence, the conduct and antecedents of the convict, the likelihood of his absconding or misusing the liberty, and the larger public interest. The Supreme Court

¹(2017) 15 SCC 55.



further observed that grant of parole is subject to the fulfilment of the conditions prescribed under the applicable Prison Rules.

7. The Court finds that the aforesaid in the considered opinion of this Court, cannot be considered to be special circumstances.

8. Bearing in mind the rule embargo and the ruling of the Supreme Court in *Asfaq* (supra) the Court is not inclined to issue a writ of mandamus directing the parole of the petitioner.

9. In view of the aforesaid, the instant petition fails and is, hereby, dismissed.

PURUSHAINDRA KUMAR KAURAV, J

JULY 13, 2026

Nc