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

CNR No. DLHC010200332026

+ **W.P.(CRL) 1483/2026**

ANWAR HUSSAIN

.....Petitioner

Through: Mr. Shannu Baghel, Advocate.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sangeet Sibou, Advocate on
behalf of Mr. Rahul Tyagi, ASC for
State.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **15.09.2026**

CRL.M.A. 27677/2026

1. The writ petition was filed by the petitioner seeking to quash the order dated 17.02.2026, whereby, his parole application was rejected by the concerned Jail Authority. The petitioner also prayed that he be released on parole for a period of eight weeks.
2. The petitioner had served 5 years 5 months as an under trial prisoner and wanted to seek parole in order to pursue his legal remedies before the Supreme Court against the dismissal of his criminal appeal. Considering the totality of circumstances, this Court *vide* order dated 30.07.2026 directed the release of the petitioner for a period of four weeks subject to such terms as may be imposed by the concerned Competent Authority.
3. Importantly, the concerned Competent Authority was directed to



impose conditions owing to, *inter alia*, it being intimately informed of the conduct of the petitioner and others who are similarly placed and are released on parole. Such conditions, however, were not imposed by the authority concerned. While the petitioner became entitled to be released from prison on 30.07.2026, he continued to languish, owing to the recalcitrance of the jail authority.

4. Resultantly, a Crl. M.A. 24392/2026 came to be filed by the petitioner seeking appropriate directions from this Court, to enable implementation of the order dated 30.07.2026. Significantly, in the said application, at para. 6 the petitioner pleaded “*that the benefit of the order dated 30.07.2026 cannot be rendered ineffective merely on account of an administrative difficulty in formulating or imposing the conditions of parole*”.

5. *Vide* order dated 11.08.2026, the Court modified the operative portion of the order dated 30.07.2026 and imposed specific conditions subject to which the petitioner was to be released on parole for a period of four weeks. The wife/family member of the petitioner, in pursuance of the order dated 11.08.2026, approached the jail authority, to fulfil the conditions imposed by the Court, and seek the release of the petitioner. The Jail Authority, again, being adamant and uncooperative is stated to have told the wife of the petitioner that he shall not act upon the order dated 11.08.2026 unless the same was received directly from this Court.

6. Notably, the order dated 11.08.2026 was a digitally signed public document and its veracity could be easily discovered. The Jail Authority in an attempt to frustrate the order of the Court, and prevent the petitioner from being released, seems to have given a flimsy and unjustifiable reason. The petitioner was, thus, forced to file another Crl. M.A. bearing 27677/2026



seeking release of the petitioner on parole. A relief which was granted to the petitioner *vide* order dated 30.07.2026, and whose implementation was thwarted by the Jail Authority.

7. Upon the said application being listed for hearing on 08.09.2026 the Court directed the Jail Superintendent to remain personally present and explain his conduct. He was also called upon to explain why contempt proceedings ought not to be initiated against him. The said order was passed in the presence of Mr. Rahul Tyagi, Additional Standing Counsel (CrI.), who appeared for the State.

8. Mr. Sangeet Sibou, learned counsel, appears on behalf of Mr. Rahul Tyagi alongwith Dr. Pawan Kumar, Jail Superintendent of Central Jail-02, Tihar, Delhi. He submits that Dr. Kumar's actions were not motivated by ill-thought or malice. He states that Dr. Kumar's reasons for not complying with the order dated 11.08.2026 and not releasing the petitioner was that he was unable to verify on which address the applicant was to reside. Dr. Kumar's states that such a condition is "*customary*" and "*routine*".

9. The Court wonders why the able Jail Superintendent did not utilise his vast experience of what customary and routine conditions are when the Court had originally directed for the release of the petitioner on 30.07.2026 i.e., approximately 1.5 months ago, on the basis of conditions which were to be imposed by the Jail Authority. While Dr. Kumar has cleverly tried to justify the blatant abuse of the powers vested in the office of the Jail Superintendent, by making references to catch phrases such as "*customary*" and "*routine*", the fact of the matter remains, that he wants the Court to allow the Jail Authority to impose conditions over and above those imposed by the Court in its order dated 11.08.2026.



10. There is no mention, at all, in the order dated 11.08.2026 of a condition pertaining to the residence of the petitioner. The acts of the Jail Authority have caused a citizen of this Country, who had remained under-trial for a period of 5 years 5 months, to continue to remain behind bars despite an order of a Constitutional Court directing his release. Owing to flimsy and untenable excuses of the Jail Authority and Dr. Kumar, a mockery has been made of the legal system. The right of the petitioner to be governed by the rule of law and to have his personal liberty protected, under Articles 14 and 21 of the Constitution, has been violated.

11. Dr. Kumar's conduct of, *inter alia*, imposing additional conditions which are at the teeth of the order of this Court dated 11.08.2026 is found to a wilful violation of the order. The Court, therefore, draws contempt proceedings against Dr. Pawan Kumar, Jail Superintendent of Central Jail-02, Tihar, Delhi.

12. Dr. Kumar accepts notice of contempt.

13. He is granted time to file his response as to why he should not be punished under the provisions of the Contempt of Courts Act, 1971.

14. The contemnor is directed to remain personally present on the next date of hearing.

15. List on 22.09.2026.

PURUSHAINDR KUMAR KAURAV, J

SEPTEMBER 15, 2026

Nc