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

CNR No. DLHC010456442026

+ **W.P.(CRL) 2979/2026**

MAHENDER RATHORE

.....Petitioner

Through: Mr. Siddharth Yadav, Mr. Anmol K. Pandey, Ms. Jyoti Yadav and Mr. Uday Pratap Singh, Advocates
Mob: 9811694121

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Ms. Rupali Bandhopadhyaya, ASC for State with Mr. Abhijeet Kumar, Advocate

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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14.10.2026

1. The present writ petition has been filed under Article 226 of the Constitution of India, 1950 ("Constitution") read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), seeking grant of parole to the petitioner, i.e., Sh. Mahender Rathore S/o Vishwanath Rathore, for a period of 30 (thirty) days in connection with the First Information Report ("FIR"), being *FIR No. 250/2012*, registered at Police Station ("PS") Shalimar Bagh, Delhi, under Sections 376/506 of the Indian Penal Code, 1860 ("IPC").
2. By way of the present petition, parole is sought for the purposes of filing a Special Leave Petition ("SLP") before the Supreme Court assailing the judgment dated 05th August, 2026, in *CRL.A. 844/2017*, passed by this



Court, whereby, the petitioner's appeal against the judgment dated 26th July, 2017, and the order on sentence dated 31st July, 2017, passed by the Additional Sessions Judge ("ASJ"), Special Fast Track Court ("SFTC"), North West, Rohini, Delhi, in SC 128/2015, in connection with the said FIR, was dismissed.

3. The Sessions Court sentenced the petitioner to 07 (seven) years' rigorous imprisonment for the offence under Section 376 of the IPC and 03 ("three") years' rigorous imprisonment for the offence under Section 506 of the IPC, with both the sentences directed to run concurrently.

4. As per the documents on record, the petitioner is presently incarcerated in Central Jail No. 08, Tihar, New Delhi.

5. In August, 2026, the petitioner had filed an application to the Deputy Secretary, Home Department, Government of NCT of Delhi ("GNCTD"), seeking parole for the purpose of arranging financial resources and a counsel of his choice for filing an SLP before the Supreme Court.

6. Today, the learned Additional Standing Counsel ("ASC") for the State has handed over to this Court an order dated 13th October, 2026, passed by the Home Department, GNCTD, which is taken on record.

7. As per the said order, the Home Department, GNCTD, has rejected the petitioner's application for parole on the ground that as the petitioner belongs to the poor segment of the society, and legal aid/service/assistance is available free of cost in the prison for prisoners, which may be availed by him.

8. The said order dated 13th October, 2026, is reproduced as under:



(Item 90(R))
TOR 14/10

*As directed the document
is taken on record.*
Subd- 14/10/26.

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
HOME DEPARTMENT
5TH LEVEL, "A" WING, DELHI SACHIVALAYA, L.P. ESTATE, DELHI

No. F.18/13/2026/HG/PRISONS/2676
(PID No.-1042284)

Dated: 13/10/26

To
The Superintendent
Central Jail No.- 8, Tihar,
New Delhi.

Sub: - Release on parole, of the convict Mahender Rathore S/o Sh. Vishwanath Rathore, in case FIR No. - 250/2012, PS- Shalimar Bagh reg.

Sir,
With reference to the proposal in respect of the above said convict for grant of parole received in this office vide through e-Parole module, it is to inform that after due consideration, the Principal Secretary (Home) of Delhi has **rejected** the request of the above said convict in view of the following.

1. The above said convict belongs to a poor segment of the society. Legal Aid/service/assistance available free of cost in the prison for prisoners and he may avail the said facility for filing SLP.

The convict may be informed accordingly.

[Signature]
13/10/26
Deputy Secretary (Home)

Copy for information to the:-
1. PPS to Pr. Secretary (Home).
2. SO to DG (Prisons).

9. *Per contra*, learned counsel appearing for the petitioner submits that petitioner may be granted parole for the aforesaid purpose, as the petitioner wishes to consult advocates and to take appropriate steps in filing an SLP before the Supreme Court.

10. Having heard learned counsels for the parties, fruitful reference may be made to the decision in the case of ***Bijender Versus State of NCT of Delhi, 2024 SCC OnLine Del 101***, wherein, a Coordinate Bench of this Court had emphasised on the grant of parole in order to allow such a petitioner to file an



SLP before the Supreme Court in challenge of a judgment convicting such person or upholding conviction. The relevant excerpts of the said judgment read as under:

“xxx xxx xxx

9. This Court notes that Rule 1208 of the Delhi Prison Rules, 2018, provides the following grounds on which an application filed by the prisoner can be considered by the competent authority:

“1208. Subject to fulfillment of conditions stipulated in Rule 1210 below, it would be open to the Competent authority to consider applications for parole on the grounds such as:—

- i. Serious illness of a family member.
- ii. Critical conditions in the family on account of accident or death of a family member.
- iii. Marriage of any member of the family of the convict;
- iv. Delivery of a child by the legally wedded wife of the convict.
- v. Serious damage to life or property of the family of the convict including damage caused by natural calamities.
- vi. Sowing and harvesting of crops.
- vii. To maintain family and social ties.
- viii. To pursue the filing of a Special Leave Petition before the Supreme Court of India against a judgment delivered by the High Court convicting or upholding the conviction, as the case may be...**

10. Thus, Rule 1208 provides filing of SLP before the Hon'ble Apex Court as one of the grounds for seeking grant of parole. Rule 1210 prescribes criteria to be eligible for release on parole and as revealed from records, the present petitioner fulfills the said criteria. Thereafter, Rule 1211 also provides that in certain cases as mentioned in the said rule, the competent authority will grant parole only in cases of special circumstances, and perusal of the same reveals that the case of petitioner herein also does not fall within the parameters of said rule.

11. The Courts have time and again held that the right of a convict to file SLP before the Hon'ble Apex Court, challenging



his conviction and incarceration, is a valuable right which should not be denied. This Bench in Neeraj Bhatt v. State (NCT of Delhi), 2023 SCC OnLine Del 32 had observed as under:

“9. ...It is the right of a citizen to effectively pursue his legal remedy in the last court of justice in the county by filing SLP through a counsel of his own choice which is a valuable right. This cannot be withheld merely on the basis of his past conduct or on the ground that free legal aid is available and that SLP can be filed from the jail itself. Needless to say, availing his legal remedy in the Apex Court of the country is the right of the petitioner and this Court is not inclined to withdraw the same.”

12. Similarly, it was observed by this Bench in **Ved Yadav v. State (NCT of Delhi), 2023 SCC OnLine Del 1261** that:

“9. It has been time and again held by Courts that right of a convict to file an SLP against dismissal of his criminal appeal by a High Court is an essential one, and the same cannot be denied on the ground that free legal aid is available in the jail and SLP can be filed from the jail itself. Since the only hope for petitioner would now be from the Hon'ble Apex Court as far as his conviction is concerned, he must be provided with an opportunity to pursue his legal remedy by filing SLP through the counsel of his choice.”

xxx xxx xxx”

(Emphasis Supplied)

11. This Court notes that, as per Rule 1208 (viii) of the Delhi Prison Rules, 2018 (“Delhi Prison Rules”), a prisoner is entitled to parole for the purpose of filing of an SLP before the Supreme Court against a judgment delivered by the High Court convicting or upholding the conviction, as the case may be. Merely because legal aid counsel is available, the same is no ground to deny the valuable right to the petitioner with regard to engaging some counsel for the purpose of filing SLP challenging the judgment of this Court upholding his conviction and sentence.



12. This Court notes the submission made by the learned ASC for the State that the address of the petitioner stands verified.

13. Accordingly, in the facts and circumstances of the case, the present petition is allowed and the petitioner is granted parole for a period of 30 (thirty) days from the date of his release for the purposes of filing an SLP against the judgment of this Court subject to the following conditions:

- i. The petitioner shall furnish a personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand only) with one surety in the like amount to the satisfaction of concerned Jail Superintendent.
- ii. The petitioner shall furnish the address at which he will reside during the period of parole to the Jail Superintendent and shall not reside at any other address during the said period.
- iii. The petitioner shall furnish his mobile number to the Jail Superintendent and concerned Station House Officer (“SHO”), which shall be kept operational at all time, in the event of change of mobile number, the Jail Superintendent and the SHO shall be informed in advance.
- iv. The petitioner shall report to the jurisdictional SHO on every Sunday at 10:00 AM and will be released after completion of formalities within a period of one week.
- v. At the time of his release, the Jail Superintendent shall inform the petitioner in writing the date and time, by which he is required to surrender.
- vi. The petitioner shall surrender before the Jail Superintendent upon the expiry of the period of parole.
- vii. The petitioner shall furnish a copy of the SLP filed before the Supreme



Court to the Jail Superintendent at the time of surrender.

- viii. A copy of the SLP shall also be placed on the record of this Court.
- ix. The petitioner shall not indulge in any criminal activity during the period of parole.
- 14. The petition is accordingly disposed of, in the aforesaid terms.
- 15. Copy of the order be sent to the concerned Jail Superintendent for information and necessary compliance.

MINI PUSHKARNA, J

OCTOBER 14, 2026

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