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

\# **CNR No. DLHC010328442026**

\+ W.P.(CRL) 2213/2026 & Crl.M.A. 22087/2026

KYAMUDDIN .....Petitioner

Through: Mr. Shailesh Chandra Jha, Adv. (DHCLSC).

versus

STATE GOVT. OF NCT OF DELHI .....Respondent

Through: Ms. Rupali Bandhopadhyay, ASC along with Mr. Abhijeet Kumar, Advocate.

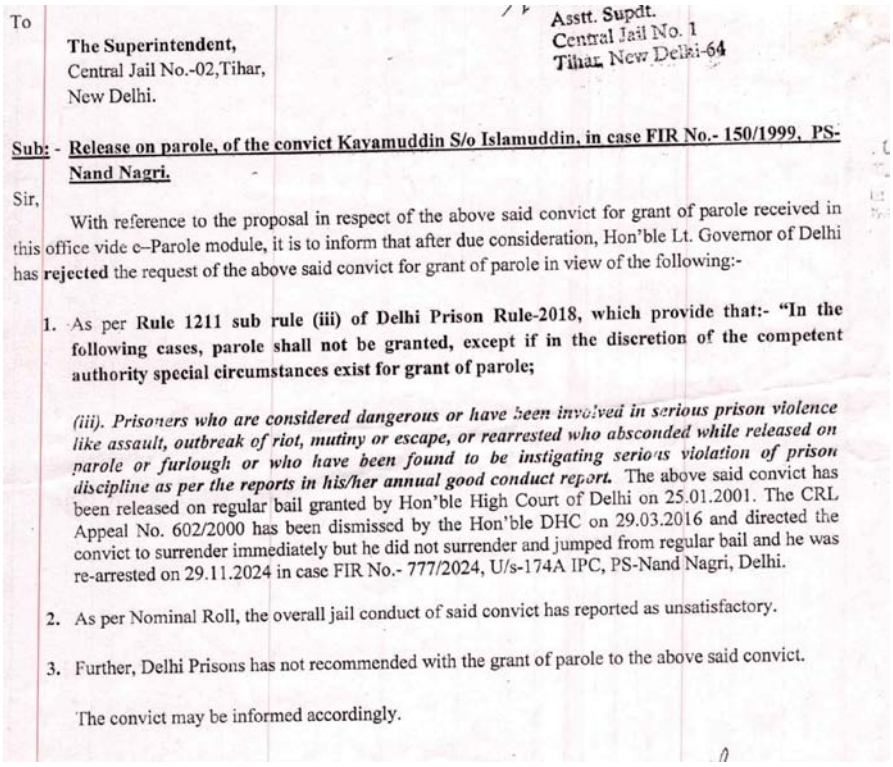
CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

O R D E R

% 13.10.2026

1. The present petition has been filed by the petitioner challenging the order dated 25.06.2026 passed by the Home Department, Government of NCT of Delhi, rejecting the petitioner's request for parole for a period of 4 weeks. The said order reads as under:



To

The Superintendent,
Central Jail No.-02,Tihar,
New Delhi.

Asstt. Supdt.
Central Jail No. 1
Tihar, New Delhi-64

Sub: - Release on parole, of the convict Kayamuddin S/o Islamuddin, in case FIR No.- 150/1999, PS-Nand Nagri.

Sir,

With reference to the proposal in respect of the above said convict for grant of parole received in this office vide e–Parole module, it is to inform that after due consideration, Hon'ble Lt. Governor of Delhi has **rejected** the request of the above said convict for grant of parole in view of the following:-

1. As per **Rule 1211 sub rule (iii) of Delhi Prison Rule-2018, which provide that:- "In the following cases, parole shall not be granted, except if in the discretion of the competent authority special circumstances exist for grant of parole;**

   (iii). Prisoners who are considered dangerous or have been involved in serious prison violence like assault, outbreak of riot, mutiny or escape, or rearrested who absconded while released on parole or furlough or who have been found to be instigating serious violation of prison discipline as per the reports in his/her annual good conduct report. The above said convict has been released on regular bail granted by Hon'ble High Court of Delhi on 25.01.2001. The CRL Appeal No. 602/2000 has been dismissed by the Hon'ble DHC on 29.03.2016 and directed the convict to surrender immediately but he did not surrender and jumped from regular bail and he was re-arrested on 29.11.2024 in case FIR No.- 777/2024, U/s-174A IPC, PS-Nand Nagri, Delhi.

2. As per Nominal Roll, the overall jail conduct of said convict has reported as unsatisfactory.

3. Further, Delhi Prisons has not recommended with the grant of parole to the above said convict.

The convict may be informed accordingly.

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2. The petitioner was convicted under Section 302 IPC in FIR No. 150/1999 and sentenced to imprisonment for life on 21.09.2000. Thereafter, he was released on bail on 25.01.2001 pending his appeal.

3. The appeal being Crl. Appeal No. 602/2000 was dismissed on 29.03.2016 with a direction to the petitioner to surrender immediately. It is pointed out by the learned counsel for the State that the petitioner did not surrender despite the said directions and remained at large till he was re-arrested on 29.11.2024 in FIR No. 777/2024, registered at P.S. Nand Nagri, Delhi, and was further convicted under Section 174A IPC.

4. The parole has been rejected on three grounds, namely, (a) the petitioner had absconded after his appeal was dismissed, thereby attracting Rule 1211 sub-rule (iii) of the Delhi Prisons Rules, 2018; (b) his overall conduct was unsatisfactory as per the nominal roll; and (c) Delhi Prisons has not recommended the grant of parole.

5. On 27.07.2026, this Court directed that a fresh nominal roll be requisitioned from the concerned Jail Superintendent, specifically dealing with the conduct of the petitioner in jail. The fresh nominal roll has thereafter been filed and the same reflects that the petitioner's jail conduct is satisfactory.

6. Learned counsel for the State submits that the fresh nominal roll is inconsistent with the record, inasmuch as it does not take into account the petitioner's failure to surrender for about eight and a half years after his appeal was dismissed.

7. The decision on parole must rest on a complete and correct record. The fact that the petitioner absconded is, no doubt, a serious concern which the authorities are entitled to weigh. At the same time, Rule 1211 itself permits parole in cases where special circumstances exist. The authorities must also take into account his conduct in custody since his re-arrest, as well as his

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verified family address.

8. Accordingly, the present petition is disposed of in the following terms:

(a) the order dated 25.06.2026 is set aside;

(b) the competent authority shall reconsider the petitioner's application for parole afresh based on the relevant facts and circumstances and dispose of the same by way of a reasoned order, within a period of 4 weeks from today.

9. Let a copy of this order be sent to the concerned Jail Superintendent for necessary compliance.

10. The pending application also stands disposed of.

SACHIN DATTA, J

OCTOBER 13, 2026/*at/sd*

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