

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ **W.P.(CRL) 620/2010**

Decided on 29.10.2010

IN THE MATTER OF :

SUNIL

..... Petitioner

Through: Ms. Anita Abraham, Advocate

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Akshay Bipin, ASC with IO/SI Manish
Bhatt, Police Station: Pandav Nagar.

CORAM

*** HON'BLE MS.JUSTICE HIMA KOHLI**

- | | |
|--|----|
| 1. Whether Reporters of Local papers may be allowed to see the Judgment? | No |
| 2. To be referred to the Reporter or not? | No |
| 3. Whether the judgment should be reported in the Digest? | No |

HIMA KOHLI, J. (Oral)

1. The present writ petition is filed by the petitioner under Article 226 of the Constitution of India read with Section 482 of the Cr.PC praying *inter alia* for grant of parole for a period of three months to get medical treatment for his mother, arrange finance for the said treatment and re-establish social ties with his family and the society.

2. Counsel for the petitioner states that the application of the petitioner for grant of parole was rejected by the Govt. of NCT of Delhi on 01.04.2010 on the ground that there was an adverse report against him to the effect that his mother and other family members have no control over him and he never took care of his mother in the past. The rejection order

noticed that there is an apprehension of the petitioner jumping the parole and causing harm to the complainant in the case. As per the status report, on enquiry, it was revealed that the mother of the petitioner is presently residing with her daughter at Chittranjan Park, New Delhi. She has two sons including the petitioner. It is stated that there are other members in the family to look after the mother of the petitioner and there is no urgency for her medical check-up.

3. A perusal of the nominal roll pertaining to the petitioner shows that against a quantum of sentence of five years' rigorous imprisonment and a fine of Rs.2,000/- in respect of FIR No.617/2006 under Section 376/450 IPC, the petitioner has undergone a sentence of three years, three months and 22 days as on 20.03.2010 and earned remission of 2 months and 5 days on the said date. As on date, further seven months ten days are required to be added to the period of three years, three months and 22 days of the sentence already undergone by the petitioner.

4. Learned ASC for the State confirms that the unexpired portion of sentence of the petitioner is approximately one year. The nominal roll notes that the conduct of the petitioner for the last one year has been satisfactory and further that there is no punishment imposed on the petitioner for the past three years. There is no other pending case against the petitioner.

5. Having regard to the stand of the mother of the petitioner that she has no control over him, the petitioner is granted parole for a period of one month, but subject to the condition that one of the sureties that the petitioner shall offer, shall be from amongst his family members. Apart from

the aforesaid conditions, the following conditions are imposed on the petitioner while granting him parole for a period of one month:-

- (i) The petitioner shall furnish a personal bond in the sum of ₹10,000/- with two local sureties of the like amount to the satisfaction of the trial court.
- (ii) The petitioner shall report to the SHO of Police Station: Pandav Nagar, once a week on every Sunday at 10:00 AM and shall not leave the National Capital Territory of Delhi during the period of parole.
- (iii) The petitioner shall furnish a telephone number to the Jail Superintendent on which he can be contacted, if required. After his release, he shall also inform his telephone number to the SHO of the police station concerned.
- (iv) The petitioner shall keep away from the area around the residence of the victim and her family members.
- (v) Immediately upon the expiry of period of parole, the petitioner shall surrender himself before the Jail Superintendent.
- (vi) The period of parole shall be counted from the day after the date when the petitioner is released from jail.

6. The petition is disposed of.

DASTI.

A copy of this order be sent directly to the Superintendent Jail.

OCTOBER 29, 2010
rkb

(HIMA KOHLI)
JUDGE