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

+ W.P.(CRL) 2491/2014

NARESH KHAPRA

..... Petitioner

Through :Mr. Siddhant Srivastava and Mr.
Rohit Singh, Advts.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through :Mr. Mukesh Gupta, ASC with SI
Amit Kumar, P.S. Punjabi Bagh

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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07.05.2015

Petitioner is undergoing life sentence in the FIR No. 887/2006 under Sections 302/307/120-B/34 IPC read with Sections 25/27/54/59 of the Arms Act, 1959 registered at Police Station Punjabi Bagh, Delhi. He is in incarceration for more than seven years. Petitioner is suffering from pott's spine (tuberculosis of spine) with psoas abscess (infection over back). He has been suffering from this ailment for a long time. He was granted interim bail on 25th November, 2013 as also on 20th February, 2014 by the Division Bench during pendency of the appeal. He was granted interim bail in view of his serious ailment with which he is suffering.

Petitioner seeks parole on the ground that condition of the petitioner is serious and he wants to take treatment in a private hospital.

Report was sought from the Superintendent Jail regarding medical condition of the petitioner. Senior Medical Officer, Central Jail No. 4 has submitted his report dated 10th March, 2015, which confirms that petitioner is suffering from pott's spine with psoas abscess and is receiving treatment from G.B. Pant Hospital and Lok Nayak Hospital. At the end of the report, it has been specifically mentioned that petitioner is admitted in MI Room, Central Jail No. 4 Dispensary and his complaints are still persisting despite providing him all prescribed medicines from the dispensary. In the report, doctor has further mentioned that petitioner is advised bed rest.

Learned Additional Standing Counsel submits that co-convicts, who were granted parole, have jumped the parole, therefore, in terms of Parole/Furlough Guidelines, 2011, petitioner is not entitled to parole. It may be noted that these are merely guidelines and will not come in way in granting parole by the Court in special circumstances, such as serious medical conditions of a convict. It may further be noted that petitioner was granted interim bail during pendency of the appeal on two occasions and he has not misused the same.

Accordingly, petitioner is directed to be released on parole for a period of one month from the date of his release, subject to his furnishing a personal bond in the sum of ₹10,000/- (Rupees Ten Thousand Only) with one surety in the like amount to the satisfaction of the Jail Superintendent. Petitioner is directed not to leave the territorial bounds of Delhi during the parole period. On completion of parole period, petitioner shall surrender before the Superintendent Jail.

Writ petition is disposed of in the above terms. Copy of the order be sent to the Jail Superintendent for serving it upon the petitioner and for compliance.

A.K. PATHAK, J.

MAY 07, 2015

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