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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1301/2015**
VINOD KUMAR

..... Petitioner

Through: Mr.Jivesh Tiwari, Adv.

versus

STATE

..... Respondent

Through: Mr.Rahul Mehra with Mr.Amrit
Singh, Advs. for State.
SI Somil Sharma, PS Nand
Nagri, Delhi.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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12.08.2015

The petitioner had applied before the Competent Authority for release on parole on the ground that he needs to reconnect the social ties and that he requires specialised treatment in a good hospital for his weakness in the nervous system and back pain. The aforesaid prayer was rejected by an order dated 28.04.2015.

Hence, this petition.

The Status Report which has been filed by the State confirms the fact that the petitioner comes from a very poor strata of society and that he has been suffering from weakness in nervous system, back pain and other ailments for the last 8 years. It has been stated in the Status Report that he has been under the treatment of jail doctors. Learned counsel for the petitioner submits that despite such facilities which has

been given to him in the jail, he has not responded well to the medication given by the jail doctors in the jail hospital.

The conduct of the petitioner in the jail is by and large satisfactory throughout except on one occasion when he was awarded punishment on 30.09.2011. The petitioner has remained in custody for more than 9½ years. The nominal roll also discloses that on several occasions, he was released on furlough. His last furlough was from 22.04.2015 to 12.05.2015 (3 weeks) granted to him by DGP.

Learned counsel for the State points out that only recently the petitioner had come out of the confines of the jail and he does not deserve to be released from jail on parole now.

The order of the Competent Authority discloses that the grounds taken by the petitioner was not found to be genuine. Competent Authority did not consider the grounds to be genuine and relied upon the apprehension of the Police that the petitioner may jump parole.

Learned counsel for the petitioner, in response, submits that the nominal roll is self-explanatory and on all occasions when he was released on furlough, he surrendered before the jail authorities on time.

Considering the fact that the petitioner has remained in custody for more than 9½ years; his conduct in jail has by and large been satisfactory except for one punishment about 3½ years ago and he has been suffering from some ailments and has not responded well to the medication given to him by the jail doctors, in addition to the fact that he requires to reconnect social ties, this court is inclined to release him on parole.

Let petitioner be released on parole for a period of 30 days from the date of his release, subject to the petitioner furnishing a bond in the sum of Rs.5,000/- with two sureties of like amount, to the satisfaction of the Trial Court, subject to the following conditions:-

- 1) The petitioner shall surrender before the jail authorities on or before the expiry of the said period of parole.
- 2) The petitioner shall not engage himself in any unlawful activity.
- 3) If the petitioner is required to go out of the territory of Delhi, he would intimate about his visit to the SHO of the concerned police station.
- 4) He shall furnish his mobile telephone number and the mobile telephone number of both the sureties to the SHO of the concerned police station so that in case of necessity he could be tracked and his whereabouts could be ascertained.

In case, the petitioner flouts any one of the conditions, an application could be moved by the SHO for cancellation of his parole and for taking of the coercive steps for securing his attendance.

With these observations, the petition is disposed of.

A copy of this order be communicated to the Superintendent of the concerned Jail for information and compliance.

Dasti.

ASHUTOSH KUMAR, J

AUGUST 12, 2015
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