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

+ W.P.(CRL) 1381/2015

HIMANSHU @ CHINTU Petitioner
Through: Mr. Neeraj Bhardwaj, Adv.

versus

STATE Respondent
Through: Mr. Sanjay Lao, ASC for the State
with SI Puneet Bharti, PS Sarai
Rohilla

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER
% **19.08.2015**

The petitioner applied before the competent authority for being released on parole for getting a share after division of the family property; to consult the doctors for the operation of his mother and for re-establishing social ties with other family members.

The aforesaid prayer was rejected by the competent authority on 5.5.2015.

The status report filed by Mr. Sanjay Lao, Additional Standing Counsel confirms the fact of the illness of the mother of the petitioner. With respect to one of the grounds taken by the petitioner namely re-establishing social ties, Mr. Lao submits that the petitioner was granted furlough several times, the last being on 8.4.2015, which period continued till 23.4.2015.

It has further been submitted that the family property which is to be

partitioned amongst the coparceners is a very small plot of 55 yards.

With reference to the nominal roll, Mr. Lao submits that the overall conduct of the petitioner in jail has not been very satisfactory as he stood punished on 22.3.2009.

Learned counsel for the petitioner submits that the punishment was given to him in the year 2009 whereas he was released on parole in 2011 and 2013 by the orders of the High Court. On both the occasions when the petitioner was released on parole he did not flout any of the conditions and surrendered before the jail authorities in time.

It has been further submitted on behalf of the petitioner that though there may not be any medical documents to support his contention of his mother requiring an operation of gallbladder but the fact remains that he also as a son and an important member of the family, would have to bear the expenses which would be incurred in the operation. The petitioner further submits that his presence in the family would be extremely necessary especially at the time of division of the family property by metes and bounds.

Considering the fact that after 2009, the overall conduct of the petitioner in jail has been satisfactory and he has not been punished ever thereafter and that he is required to have a share in the family property, this Court is inclined to release the petitioner on parole.

The petitioner is directed to 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.10,000/- with two sureties of like amount, to the satisfaction of the Trial Court, subject to the following conditions:-

- a) The petitioner shall surrender before the jail authorities on or before the expiry of the said period of parole.
- b) The petitioner shall not engage himself in any unlawful activity.
- c) 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.
- d) 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.

ASHUTOSH KUMAR, J

AUGUST 19, 2015/ns