

\$~5

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

+ W.P.(CRL) 1761/2015

VIRENDER Petitioner

Through Ms.Aishwarya Rao, Adv.

versus

STATE Respondent

Through Mr.Raghuvinder Varma, Adv. for
Ms.Nandita Rao, ASC.
ASI Rajender Prasad PS Delhi Cantt.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **21.09.2015**

The petitioner had prayed for being released on parole for performing Barsi of his father who expired on 22.05.2014 but such a prayer of the petitioner was rejected by the competent authority by order dated 03.07.2015.

The rejection of such prayer was primarily on the ground that the petitioner was convicted for burning alive two persons.

One of the guidelines governing the grant of parole and furlough is that only under special circumstances, can a convict of multiple murders be released on parole. The competent authority has also found, on the apprehension of the police, that the release of the petitioner on parole would disturb the peace and tranquillity in that area.

Learned counsel for the petitioner submits that a bare perusal of the nominal roll would belie the contentions of the State.

The petitioner has remained in jail for about 7 years till now and no unsatisfactory report against him is on record.

In fact the overall conduct of the petitioner in jail has been satisfactory. It is submitted that on earlier occasions also the petitioner was granted parole and furlough and on such occasions he surrendered before the jail authorities on time.

Ms.Aishwarya Rao, counsel for the petitioner, stated that she had a video conference with the petitioner and she was told that Barsi of ancestors are normally performed during the month of September-October.

It is also submitted on behalf of the petitioner that he is the only son of his late father.

Considering the aforementioned facts, the petitioner is directed to be released on parole for a period of 30 days from the date of his release from jail on his furnishing a bond in the sum of Rs.10,000/- with two sureties of like amount, one such surety to be a local Delhi person, to the satisfaction of the Trial Court. The aforesaid release shall be subject to the following conditions:

- i. That immediately after his release, the petitioner would inform the SHO of the concerned police station about his plans for going to his home town and his tentative place of stay.
- ii. The petitioner shall furnish his mobile telephone number and the mobile number of both the sureties to the superintendent of the concerned police station.
- iii. The petitioner after reaching his home town would inform about his arrival and will get his presence marked with the Station House Officer of the concerned police station in whose

territorial jurisdiction his home is situated. He shall keep the aforesaid SHO informed about his movement in his home town, preferably every alternate day.

- iv. The petitioner would not engage himself in any unlawful activity.
- v. The petitioner would positively surrender before the jail authorities on or before the date when the period of parole expires.

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 coercive steps for securing his attendance.

With these observations, the petition is disposed of.

Dasti.

Order be communicated to the petitioner through Jail Superintendent.

ASHUTOSH KUMAR, J

SEPTEMBER 21, 2015

ab