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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 1916/2015
PUSHPAL CHANDER BHASKAR Petitioner
Through: Mr. LohitakshaShukla and
Mr.Raghav Awasthi, Advs.

versus

STATE OF NCT OF DELHI Respondent
Through: Mr. Ashish Aggarwal, ASC for the
State with Mr. Piyush Singhal,
Mr.Deepak Bansal, Advs.
ASI Bijender Singh, A/C Branch

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR
ORDER
% **19.10.2015**

The present petition has been filed by the petitioner seeking release on parole for the purposes of getting proper diagnosis and treatment of his ailment as also for reconnecting social ties with the family members and the society.

Since the competent authority had not acted upon the aforesaid petition of the petitioner seeking his release on parole, the present writ petition was filed.

It has been submitted on behalf of the petitioner that during the pendency of the present writ petition, the competent authority by order dated 9.9.2015 rejected his prayer. A copy of the said order has been handed over by the counsel for the petitioner during the course of hearing. Let it be kept on record.

The order of the competent authority reflects that the petitioner was released on parole by the order of this Court and 6 months have not elapsed since the termination of the period of previous parole. The competent authority has also taken into account the adverse police report for rejecting the prayer of the petitioner.

Learned counsel for the petitioner has drawn the attention of this Court to the various medical prescriptions which indicate that he has been suffering from chest pain for a long time and he has also been treated for the same.

The fact of the illness of the petitioner has been verified and the status report reveals that when the petitioner was released on parole in the month of June, 2015, he had gone to a medical centre for the treatment of chest pain. The case of the petitioner was referred to a Cardiologist. The pain in the chest of the petitioner continued. On 11.6.2015, the petitioner was subjected to X-Ray of his chest.

The learned counsel for the petitioner submits that the petitioner is 73 years of age and he is seeking his release only for the purposes of proper diagnosis of his illness and corresponding treatment.

With reference to the nominal roll, it has been submitted that his overall conduct in jail has been satisfactory. It has also been submitted that when the petitioner was released on parole on earlier occasions, no untoward incident was reported, and this is indicative of the fact that the apprehension of the Police is only illusory and is not based on any credible information. It has been argued that the petitioner is a person of home and hearth and has a definite place of stay in Delhi.

Considering the aforesaid facts, 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 one surety of the like amount, to the satisfaction of the Superintendent of the concerned jail, 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 the surety 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.

A copy of this order be given dasti under the signature of Court Master.

ASHUTOSH KUMAR, J

OCTOBER 19, 2015/ns