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

+ W.P.(CRL) 2700/2015

SIDDHARTHA VASHISHTA

..... Petitioner

Through: Mr.Sudhir Nandrajog, Sr. Adv. with
Mr.Siddharth Bamba & Mr.Rahul
Rag, Adv.

versus

THE STATE (GOVT OF NCT DELHI)

..... Respondent

Through: Mr.Rahul Mehra, Standing Counsel
(Crl.) with Ms. Richa Kapoor, ASC
for the State with Mr. Rohit Kaul and
Mr. Ashish Negi, Adv.
SHO Raman Lamba PS Mehrauli.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

10.12.2015

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The petitioner had applied for being released on parole for the purposes of appearing in Law Part-I examination under Distant Education, which is being run by Annamalai University, and the centre of examination is at Chandigarh. The prayer of the petitioner for being released for the aforesaid purpose as also for reconnecting social ties was rejected vide order dated 08.12.2015.

The rejection is primarily on the report by the police, especially from Chandigarh, wherein an apprehension has been raised that the release of the petitioner on parole could possibly have had an adverse impact on the victim

and witnesses.

Learned senior counsel for the petitioner has drawn the attention of the Court to the conduct of the petitioner in jail. He has submitted that till date, the petitioner has remained in confinement for approximately 13 years and during this period, he was awarded certificate of excellence for his contribution to the jail factory. He has provided reasonable assistance in modernization which has led to grant of ISO certificate to the jail factory. He has also been instrumental in raising herbal garden and teaching other inmates of Jail English language. The conduct of the petitioner, as stated, has been exemplary throughout and because of such conduct, he was awarded special remission of 30 days for each conviction year by different/successive superintendents. He has also earned special remissions by the DIG (Prisons).

The examination schedule is annexed as Annexure P6 to the petition.

The three papers in which the petitioner has to appear fall on 26.12.2015, 28.12.2015 and 30.12.2015. However, prior to that, the petitioner is required to participate in a personal contact programme from 11.12.2015 to 13.12.2015 which is a mandatory requirement for all first semester examinees. The aforesaid contact programme is to be held in Chennai.

Mr.Rahul Mehra, Standing counsel, vehemently opposed the release of the petitioner on parole primarily on the ground that he has availed of such concessions in the past and the last time that he was out from jail on furlough was from 28.08 2015 to 12.09.2015. He further submits that the three furloughs which are available to a convict in a year has already been availed of by the petitioner.

Though Mr.Mehra takes note of the fact that the petitioner is on a reformatory path and has shown exemplary conduct in jail, nonetheless he is opposed to his being released on parole for the purposes of attending orientation programme which is to take place at Chennai, as it is not a mandatory requirement. He further submits that it would be difficult for the petitioner to attend such programme from 11.12.2015 to 13.12.2015. He further expresses his apprehension that in case he goes to Chennai, he might not arrive in Delhi for going to Chandigarh on time because of inclement climatic conditions prevailing in Chennai.

Learned counsel for the petitioner has also submitted that the perception of the police especially Chandigarh police about the adverse impact on the victim and witnesses in case of release of the petitioner on parole and his visiting Chandigarh for taking examination is based on no credible material and that the petitioner now has remained in jail for about 13 years after affirmation of conviction from the Apex Court. The visit of the petitioner to Chandigarh for few days for writing his examination would not have any adverse impact.

In any view of the matter, considering the fact that the petitioner has been showing good conduct and has definitely evinced that he is gradually becoming a useful adjunct in the jail premises, this Court is inclined to release the petitioner on parole for a specified period, for specific purposes.

The petitioner shall be released on parole for attending orientation programme at Chennai today i.e.10.12.2015 till 15.12.2015 on the petitioner furnishing a bond in the sum of Rs.50,000/- with two sureties of the like amount to the satisfaction of the Superintendent of the concerned jail. The petitioner shall positively surrender before the jail authorities on or before 5

pm on 15.12.2015.

The petitioner, then, shall again be released on parole for writing his examination on 20.12.2015 on the earlier bond and sureties and shall surrender before the jail authorities positively before 5 pm on 01.01.2016. The aforesaid order of release is subject to the condition that the petitioner would offer one of his close family members as one of his sureties and he shall not indulge in any other activity except making preparations for the ensuing examination. He shall furnish his mobile telephone number and the telephone number of both his sureties to the Jail Superintendent on which he could be contacted, if required. The petitioner shall not, during the period of his parole, display any unruly behaviour. In case he is found to be involved in or committing any misdemeanour, it would be open for the jail authorities or the SHO of the concerned police station to come before this Court to have such a concession withdrawn/cancelled. The petitioner shall surrender before the jail authorities positively in the first spell of parole on 15.12.2015 and thereafter on 01.01.2016.

The petitioner shall also keep himself away from the area around the residence of the deceased or the family members or witnesses who have deposed against him in the trial.

The petitioner has been released on parole from 20.12.2015 to 01.01.2016 for the purposes of making preparation and writing examination in Chandigarh. It is expected that the petitioner shall not come out of Chandigarh on any condition and would move out of Chandigarh only for the purposes of surrendering before the jail authorities.

The petition is allowed and disposed of accordingly.

Copy of the order be given dasti under the signatures of the Court Master.

DECEMBER 10, 2015/ab

ASHUTOSH KUMAR, J