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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 53/2016**

SATPAL MANN Petitioner
Through: Mr Rajender Chhabra, Advocate for
Mr Imran Khan, Advocate.

versus

STATE Respondent
Through: Mr Rajesh Mahajan, Addl. Standing
Counsel (Crl.).

CORAM:
HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER
% **08.01.2016**

The present is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 seeking a direction to the respondent to release the petitioner on parole on the ground “to maintain social ties with his family members & society; to combat inner stress; to arrange funds for livelihood of his family”.

The petitioner is aggrieved by the order dated 30.10.2015 whereby his application for grant of parole on the above stated grounds has been rejected by the competent authority for the following reasons:-

“**rejected** in view of adverse police report which stated that grounds are not found genuine, as the other family members are capable to do the same. There may be affect on law & order and the security if the convict is released on parole. There is possibility of jumping the parole. Police has expressed their apprehension that convict is involved in a case of NDPS Act hence the possibility of committing similar offence cannot be ruled out.

Further, the convict has last availed one month parole up to 12.02.2015 by the order of GNCTD.”

The reasons stated by the competent authority in the order impugned herein are unsustainable as they are contrary to the record and without any cogent material. The petitioner was enlarged on parole earlier by the competent authority and is not stated to have misused the liberty granted to him.

A perusal of the nominal roll qua the petitioner reveals that the latter's overall jail conduct has been satisfactory since the inception of his incarceration. The petitioner has undergone incarceration for a period of almost 5 years and three months out of the total sentence of 15 years awarded to him.

It is trite to state that a person in long incarceration is entitled to parole in order to re-establish social and family ties and for his mental and physical well-being.

In view of the foregoing, I see no impediment in allowing the present petition. Consequently, the petitioner is enlarged on parole for a period of four weeks from the date of his release on his furnishing a personal bond in the sum of Rs.5,000/- with one surety of the like amount to the satisfaction of the Jail Superintendent subject to the following conditions:-

- (1) The petitioner shall report to SHO, Police Station- Crime Branch, Sector- 18, Rohini, once week on every Wednesday during the period of parole.
- (2) He shall furnish his mobile telephone, which he undertakes to keep operational, to the concerned SHO.
- (3) He shall not leave the National Capital Territory of Delhi without prior permission of the court.
- (4) Lastly, the petitioner shall surrender before the jail authorities at the expiry of the period of parole.

With the above directions the writ petition is allowed and disposed of accordingly.

A copy of this order be sent to the Jail Superintendent to be communicated to the petitioner.

SIDDHARTH MRIDUL, J

JANUARY 08, 2016

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