

#31

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 08.02.2016

W.P.(CRL) 297/2016

SATYA PRAKASH

..... Petitioner

Through: Mr. Sumeet Verma, Advocate with
Mr. Amit Kala, Advocate

Versus

STATE

..... Respondent

Through: Mr. Jamal Akhtar, Advocate for Mr.
Rahul Mehra, Standing Counsel
(Criminal) with SI Vishvendra, PS-
Seemapuri, Delhi

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. The present petition under Article 226 of the Constitution of India seeks parole only on the ground that the petitioner wants to re-establish ties with his family and society.
2. The petitioner is aggrieved by the order dated 05.01.2016, whereby his representation for grant of parole has been rejected in view of adverse police report and the possibility of law and order situation in the area and a perceived threat to the victim party/witnesses. It is also stated by the competent authority in the impugned order that there is an apprehension that the petitioner may jump parole and commit similar other offence.

3. The reasons stated by the competent authority whilst rejecting the petitioner's representation are contrary to the record and cannot be sustained. From a perusal of the order impugned in this petition, it is evident that the petitioner has been released on parole and furlough earlier by this Court and is not stated to have misused the liberty granted to him.

4. A perusal of the nominal roll reveals that the petitioner has already undergone over eleven years and three months incarceration, out of the total sentence of life imprisonment awarded to him. The overall conduct of the petitioner has been satisfactory in jail from the inception of his incarceration. The petitioner has already performed satisfactory as a *Sahayak* in the jail factory as is revealed from the nominal roll. The petitioner has been released on parole and furlough on numerous occasions earlier and has not flouted the terms and conditions on which the same were granted.

5. It is trite to say that a person in long incarceration is entitled to be released on parole for a month in a year to re-establish social ties and for physical and mental well being.

6. In view of the foregoing, I see no impediment in granting parole to the petitioner. The petitioner is directed to be released on parole for a period of four weeks from the date of his release subject to his furnishing a personal bond in the sum of Rs.5,000/- (Rupees Five Thousand) with one surety of the like amount to the satisfaction of the Superintendent, Central Jail, Tihar subject to the following conditions:-

- (i) During the period the petitioner remains out on parole, he shall report to the SHO, Police Station- Loni, Ghaziabad, Uttar Pradesh, once a week on every Thursday.

- (ii) The petitioner shall also provide the SHO, Police Station- Loni, Ghaziabad, Uttar Pradesh with his mobile telephone number which he undertakes to keep operational.
- (iii) The petitioner shall not leave the jurisdiction of Police Station- Loni, Ghaziabad, Uttar Pradesh during the period of parole, without the prior permission of the concerned SHO, except to surrender before the jail authorities.
- (iv) The petitioner is directed to surrender before the jail authorities at the expiry of the period of parole.

7. The writ petition is allowed and disposed of accordingly.

8. A copy of this order be sent to the Superintendent, Central Jail, Tihar for necessary compliance and communication of the same to the petitioner.

FEBRUARY 08, 2016

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SIDDHARTH MRIDUL, J