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

+ W.P.(CRL) 290/2016

DHANPAL

..... Petitioner

Through: Ms. Dolly Sharma with Mr. S.K. Sethi,
Advocate

versus

STATE

..... Respondent

Through: Ms. Kamna Vohra, ASC (Criminal)

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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29.01.2016

The present is a petition under Article 226 of the Constitution of India praying for a direction to the official respondent to release the petitioner on parole in order to enable him to re-establish social ties with the family and with the society.

The petitioner is aggrieved by the order dated 14.12.2015 whereby his application for grant of parole on the above said grounds was rejected by the competent authority for the following reasons:-

“rejected in the absence of requisite police verification report regarding verification of address and ground taken by the convict from concerned police authority i.e. from DCP South West District, Dwarka, Delhi, SHO/P.S. Dabri, Delhi and SHO/P.S. Palam Village, New Delhi, which could not be obtained despite several requests.

The convict has last availed one month parole w.e.f. 11.02.15 to 11.03.15 by the order of DHC and 03 weeks furlough w.e.f. 10.06.15 to 01.07.15 by the order of DG(P), 03 weeks furlough has already been granted by DG(P) vide order dated 17.09.15 but the same has not been availed till date.”

The ground stated by the competent authority cannot be countenanced. Absence of verification of address by the police cannot be used as a pretext to deny the petitioner his right to be released on parole, periodically.

Even otherwise, the address has now been verified. The status report reveals that one son of the petitioner, namely Gaurav is doing B.Com from

correspondence and his other son Shivam is studying in 11th Class and expenditure of the family of the petitioner depends on the earning of his wife and eldest son Harkesh.

A perusal of the nominal roll reveals that he has already undergone seven years and eleven months incarceration out of the total sentence of life imprisonment. The nominal roll further reveals that the petitioner has earlier been released on parole as well as furlough and is not stated to have misused the liberty granted to him. The conduct of the petitioner in jail has been satisfactory throughout the period of incarceration. The nominal roll further reveals that the petitioner is not a previous convict and is not wanted in any other case.

It is trite to state 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.

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.15,000/- (Rupees Fifteen 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- Dabri, Delhi once a week on every Monday.
- (ii) The petitioner shall also provide the SHO, Police Station- Dabri, Delhi with his mobile telephone number which he undertakes to keep operational.
- (iii) The petitioner shall not leave the National Capital Territory of Delhi during the period of parole, without the prior permission of this Court.
- (iv) The petitioner is directed to surrender before the jail authorities at the expiry of the period of parole.

The writ petition is allowed and disposed of accordingly.

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

SIDDHARTH MRIDUL, J

JANUARY 29, 2016

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