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

+ W.P.(CRL) 319/2016

NAIN SINGH

..... Petitioner

Through Mr. Sitab Ali Chaudhary, Advocate

versus

STATE

..... Respondent

Through Mr. Sanjay Lao, ASC (Crl.) with
Mr. Siddharth Sindhu, Advocate
SI Amrit Lal, 5153/D, Police Station
Krishna Nagar

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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01.02.2016

The present is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 praying for a direction to the competent authority to release the petitioner on parole in order to enable him to find suitable match for his daughter; to maintain family relations; and to re-connect social ties.

The petitioner is aggrieved by the order dated 31st December, 2015 whereby his application for grant of parole on the above-stated 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 grounds taken by convict from concerned police authorities i.e. SHO, District Gautam Budh Nagar, U.P., PS Surajpurt and SSP. District Gautam Budh Nagar, U.P. which could not be obtained despite

several requests.

Further, the convict has last availed one month parole w.e.f. 09.04.2015 to 10.05.2015 by the order of DHC and 05 weeks furlough in 2015 including 2 weeks upto 14.10.2015 by the order of DG (P).”

The reasons ascribed by the competent authority whilst rejecting the petitioner’s representation for parole are without any cogent material and contrary to the circumstance that the petitioner has been enlarged on parole and furlough earlier by this Court on numerous occasions and is not stated to have misused the liberty granted to him.

A perusal of the nominal roll qua the petitioner reveals that he has already undergone incarceration for over 6 years and 8 months out of the total sentence of life imprisonment awarded to him. The overall jail conduct of the petitioner has been satisfactory since the inception of his incarceration.

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 and to find a suitable match for his daughter who is admittedly 21 years of age.

In view of the foregoing, I see no impediment in allowing the present writ 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:-

- (v) During the period the petitioner remains out on parole, he shall report to the SHO, Police Station-

Village Malakpur, Distt. Gautam Budh Nagar, Noida, U.P. once a week on every Thursday.

- (vi) The petitioner shall also provide the SHO, Police Station- Village Malakpur, Distt. Gautam Budh Nagar, Noida, U.P. with his mobile telephone number which he undertakes to keep operational.
- (vii) He shall not leave the jurisdiction of the concerned Police Station in Noida (U.P.) without the prior permission of this Court except to surrender before the jail authorities.
- (viii) Lastly, the petitioner shall surrender before the jail authorities at the expiry of the period of parole.

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

A copy of this order be sent to the Jail Superintendent for necessary information and compliance.

SIDDHARTH MRIDUL, J

FEBRUARY 01, 2016
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