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

+ W.P.(CRL) 345/2016

PREMPATTA

..... Petitioner

Through Mr. Saurabh Kansal for Mr. Ajit
Sharma, Advocate

versus

STATE

..... Respondent

Through Mr. Rahul Mehra, Standing Counsel
(Crl.) with Mr. Jamal Akhtar, Adv.
SI Roshan Lal, P.S. Nangloi

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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03.02.2016

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 her to take care of the new born child delivered by her daughter-in-law.

The petitioner is aggrieved by the order dated 21st October, 2015 whereby her application for grant of parole on the above-stated ground was rejected by the competent authority for the following reasons:-

“**rejected** in view of adverse police report which stated that the law and order situation may be affected and the victim party may also be affected as the convict is involved in heinous crime. The police authority has expressed their apprehension that convict may jump the parole and commit similar

offence.

Further, convict has last availed one month parole upto 11.09.2014 by the order of this Govt. and thereafter she has also availed total 05 weeks furlough including 02 weeks furlough w.e.f. 30.06.2015 by the order of DG(P).”

The reasons trotted out by the competent authority in the order impugned herein are on the face of it contradictory and untenable. On numerous occasions in the past, this has been brought to the notice of the competent authority, however, to no avail. Even otherwise, it is an admitted position that the daughter-in-law of the petitioner has been blessed with a baby boy on 4th November, 2015.

A perusal of the nominal roll qua the petitioner reveals that she has undergone incarceration for over 8 years and 6 months out of the total sentence of life imprisonment awarded to her. The overall jail conduct of the petitioner has been satisfactory since the inception of her 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 maintain societal and family contacts.

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 her release on her 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:-

- (i) The petitioner shall also provide the SHO, Police Station- Nangloi, Delhi with her mobile telephone number which she undertakes to keep operational.

- (ii) She shall not leave the jurisdiction of the NCT of Delhi without the prior permission of this Court.
- (iii) 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.

FEBRUARY 03, 2016
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SIDDHARTH MRIDUL, J