

#22

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 05.02.2016

W.P.(CRL) 363/2016

NARENDER SINGH

..... Petitioner

Through: Ms. Suman Chauhan, Advocate

Versus

STATE

..... Respondent

Through: Mr. Sanjay Lao, ASC (Criminal) with
Mr. Siddharth Sindhu, Advocate and
Inspector Vikram Singh Chauhan, PS-
Preet Vihar

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. 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 the latter to maintain family and social ties and to arrange finances for the maintenance of his family.
2. The petitioner is aggrieved by the order dated 16.11.2015 whereby his application for parole on the above ground was rejected by the competent authority for the following reasons:-

“**rejected** in view of adverse police report which states that the grounds taken are not genuine. The convict may repeat the same offence if released on parole. The convict can harm the victim party as well. As per the records of SCRB, Delhi, he is also involved in FIR No.241/2003 U/s 452/392/323/34 IPC. The convict may jump the parole.”

3. Save and except the involvement of the petitioner in FIR No.241/2003, under Sections 452/392/323/34 IPC, the other reasons stated by the competent authority whilst rejecting the petitioner’s representation are contrary to the record and unsustainable. Insofar as the involvement in the other FIR is concerned, my attention has been invited to a judgment dated 27.07.2005 whereby *inter alia* the petitioner has been acquitted of the offences for which he was charged.

4. A perusal of the nominal roll qua the petitioner reveals that he has already undergone three years’ and eleven months incarceration out of the total sentence of life imprisonment awarded to him. The nominal roll further reveals that the petitioner is also assisting the jail authorities as Meditation Sahayak and his overall jail conduct is satisfactory. The petitioner is stated to have been released on parole on earlier occasion and is not stated to have misused the liberty granted to him.

5. 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 look after his family.

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- Prashant Vihar, Delhi, once a week on every Monday.
- (ii) The petitioner shall also provide the SHO, Police Station- Prashant Vihar, 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.

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.

SIDDHARTH MRIDUL, J

FEBRUARY 05, 2016

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