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

+ W.P.(CRL) 478/2016

BRIJ MOHAN @ BRIJU

..... Petitioner

Through

Mr. Saurabh Kansal for

Ms. Arundhati Katju, Advocate

versus

STATE

..... Respondent

Through

Mr. Ashish Aggarwal, Addl. Standing
Counsel (Crl.)

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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12.02.2016

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 perform religious rituals i.e. Barsi of his late father; to divide the ancestral property between himself and his brother; and to re-establish social ties with family members and society.

The petitioner is aggrieved by the order dated 2nd November, 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 view of adverse police report which stated that the father of the convict was expired about 24 years ago. The family of the victim lives in the same locality and the presence of the convict may disturb the tranquillity of the area and the details of property given by the convict are not correct. If convict is released on parole, there is apprehension that he may jump the parole.

Further, the convict has last availed 04 weeks parole upto 7.06.14 by the order of DHC. Further, convict has availed 05

weeks furlough (in the year, 2015) including recently availed 02 weeks furlough upto 10.09.2015 by the order of DG (P).”

The reasons ascribed by the competent authority whilst rejecting the petitioner’s representation for parole are contrary to the record inasmuch as the petitioner has been enlarged on furlough as well as parole earlier 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 undergone incarceration for over 10 years and 9 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.

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:-

- (i) During the period the petitioner remains out on parole, he shall report to the SHO, Police Station- New Seelam Pur, Delhi once a week on every Tuesday.
- (ii) The petitioner shall also provide the SHO, Police Station- New Seelam Pur, Delhi with his mobile telephone number which he undertakes to keep operational.
- (iii) He shall not leave the jurisdiction of the NCT of Delhi without the prior permission of this Court.
- (iv) Lastly, the petitioner shall surrender before the jail authorities at the expiry of the period of parole.

With the above 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.

Dasti.

SIDDHARTH MRIDUL, J

FEBRUARY 12, 2016
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