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

Date of decision: 26.05.2016

W.P.(CRL) 476/2016

SURENDER KUSHWAH

..... Petitioner

Through : Mr. Saurabh Kansal and Ms. Pallavi
S. Kansal, Advs.

versus

STATE

..... Respondent

Through : Mr. Avi Singh, APP with SI Des Raj
PS Vikas Puri in person.

**CORAM:
HON'BLE MR JUSTICE SIDDHARTH MRIDUL**

SIDDHARTH MRIDUL, J (ORAL)

1. The present petition under Article 226 of the Constitution of India prays for a writ in the nature of mandamus directing the official respondent to release the petitioner on parole “to look after and provide proper medical treatment to his ailing parents aged about 65 years & to re-establish social ties with the family members and society”.

2. The petitioner is aggrieved by the order dated 14.12.2015 whereby his representation 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 law & order may get disturb if the convict is released on parole. There is every possibility that the convict can harm the victim and family members as well. The possibility of jumping the parole cannot be ruled out. There is every possibility of convict to commit similar offence cannot be rules out. The grant of parole of convict is strongly opposed as he is involved in two more criminal cases. Convict is involved in criminal gang activities as per police verification report”

3. The reasons ascribed by the Competent Authority in the order impugned in the present petition are without any cogent material and contrary to the record, inasmuch as, petitioner was granted parole by this Court with effect from 27.11.2014 to 25.12.2014 and is not stated to have misused the liberty granted to him on that occasion. It is further a matter of record that the petitioner was enlarged on bail from 24.10.2007 to 31.08.2009 during the pendency of his appeal and is not stated to have misused the liberty granted to him during this period either. It is trite to state

that it is the constitutional right of every convict to be released on parole periodically so as to enable him to re-establish and renew ties with family and society and for his mental and physical well-being.

4. In the present case, a perusal of the nominal roll qua the petitioner reveals that he has already undergone more than twelve years incarceration out of the total sentence of life imprisonment awarded to him. The nominal roll further reveals that the jail conduct of the petitioner has been satisfactory from the very inception of his incarceration.

5. 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.20,000/- (Rupees Twenty Thousand Only) with one local surety of the like amount to the satisfaction of the Trial Court subject to the following conditions:-

- (i) The petitioner shall report to SHO PS Barpura District Etawa (UP) once a week every Wednesday during the period of parole.
- (ii) The petitioner shall not leave the jurisdiction of the concerned SHO during the period of parole, without the prior permission of this Court.

- (iii) The petitioner shall also provide the SHO, Police Station Barpura District Etawa (UP) with his mobile telephone number, which he undertakes to keep operational.
- (iv) The petitioner is directed to surrender before the jail authorities at the expiry of the period of parole.

6. The writ petition is allowed and disposed of accordingly.

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

SIDDHARTH MRIDUL, J

MAY 26, 2016/dk