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

+ W.P.(CRL) 477/2016

MUKESH KUMAR

..... Petitioner

Through

Ms. Rakhi Dubey, Advocate

versus

STATE

..... Respondent

Through

Mr. Ankit Kumar Gulia for Mr. R.S.
Kundu, ASC (Crl.)
SI Vikram Singh, PS Sangam Vihar

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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03.03.2016

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 on the grounds “to get admission of his children namely Ashrita and Ritika in a government school as the applicant being in confinement cannot afford expenses for private school; and to re-establish social ties with family members and society”.

The petitioner is aggrieved by the order dated 30th October, 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 adverse affect of law and order/security of area cannot be ruled out. As per police report, it will have bad affect on mind of victim party. Possibility of his getting involved in other criminal cases and jumping the parole by the convict cannot be ruled out by the police authority.

Further, the convict has last availed 01 month parole upto

11.12.2014 by the order of GNCTD and thereafter he has also 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 do not inspire confidence. The same are without any cogent material and are contradictory as on one hand, it is stated that the petitioner was enlarged on parole and furlough on earlier occasions without it being concluded that he abused the concession granted to him and simultaneously, it is urged that possibility of jumping parole cannot be ruled out. In my view, this is untenable.

A perusal of the nominal roll *qua* the petitioner reveals that he has already undergone incarceration for six years and ten 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 also an admitted position that the petitioner has been enlarged on parole and furlough earlier on numerous occasions and is not stated to have misused the liberty granted to him.

Furthermore, it is also an admitted position that the petitioner belongs to the poorest strata of society and is not in a position to continue to educate his children in a private school.

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- Sangam Vihar, once a week on every Monday.

- (ii) The petitioner shall also provide the SHO of the concerned police station 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 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

MARCH 03, 2016
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