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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 12.02.2016

W.P.(CRL) 473/2016

MOHD. IDRISH @ RAHUL

..... Petitioner

Through: Ms. Sana Ansari, Advocate for Mr.
S.A. Chaudhary, Advocate

versus

STATE

..... Respondent

Through: Mr. Jamal Akhtar, Advocate for Mr.
Rahul Mehra, Standing Counsel
(Criminal) with SI Bhawani Shankar,
PS- Paschim 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 him to repair his damaged house and renew social and family ties.
2. The petitioner is aggrieved by the order dated 12.01.2016 whereby his representation for parole on the above ground was rejected by the competent authority for the following reasons:-

“rejected in the absence of requisite police verification report regarding verification of address and grounds taken by convict from concerned police authorities i.e. SHO, PS- Rajouri Garden, New Delhi, DCP, West District, New Delhi, SHO, Paschim Vihar, PS West District, New Delhi, which could not be obtained despite several requests.

Further, the convict has last availed one month of parole w.e.f. 16.03.2015 to 17.04.2015 by the order of DHC. Convict has also been convicted in case FIR No.23/2004, U/s 186/332/324 IPC, PS NDRS.”

3. A perusal of the reasons stated by the Competent Authority to reject the petitioner’s representation reveals that the same are without any material and are contrary to the record. The petitioner cannot be visited with the consequences of lethargy of the concerned police station.

4. A perusal of the nominal roll qua the petitioner reveals that the petitioner has already undergone over two years and nine months incarceration out of the total sentence of seven years awarded to him. The overall jail conduct of the petitioner has been satisfactory from the very inception of his incarceration. The petitioner has been released on parole on earlier occasions by this Court 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 for physical and mental well being.

6. It is an admitted position that house of the petitioner is in a dilapidated condition and requires immediate repair.

7. In view of the above, I see no impediment in granting parole to the petitioner. The petitioner is enlarged on parole for the 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 Only) with one surety of the like amount to the satisfaction of the Jail Superintendent, Tihar subject to the following conditions:-

- (i) During the period the petitioner remains out on parole, he shall report to the SHO, Police Station- Paschim Vihar, Delhi once a week on every Tuesday.
- (ii) The petitioner shall also provide the SHO, Police Station- Paschim 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.

8. The writ petition is disposed of accordingly.

9. A copy of this order be sent to the Jail Superintendent, Tihar for necessary compliance and communication of the same to the petitioner.

SIDDHARTH MRIDUL, J

FEBRUARY 12, 2016

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