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

+ **W.P.(CRL) 498/2016**

PARVESH

..... Petitioner

Through: Mr. Sumeet Verma, Adv. with
Mr. Amit Kala, Adv.

versus

STATE

..... Respondent

Through: Mr. Rajesh Mahajan, ASC with
Ms. Parul Jamwal, Adv. for State.
SI Narender Singh, PS Prasad Nagar.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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15.02.2016

Mr. Sumeet Verma, learned counsel appearing on behalf of the petitioner limits the relief in the present petition to an order directing the official respondents to release the petitioner on parole in order to enable him to re-establish family and social ties.

The petitioner is aggrieved by the order dated 08th December, 2015 whereby his application for grant of parole was rejected by the competent authority in view of adverse police report which states that there may be adverse affect on the victim party/witnesses & law and order situation. A perusal of the reasons stated by the competent authority in the order impugned in the present petition reveals that the same are without any cogent material and contrary to the record. They are consequently unsustainable.

W.P.(CRL) 498/2016

Page No. 1/3

It is relevant to observe that the petitioner was admittedly released on two weeks Furlough up to 16th November, 2015 by the competent authority and is now stated to have misused the liberty granted to him. Therefore, the reasons assigned by the competent authority fly in the face of the official record.

A perusal of the nominal roll qua the petitioner reveals that he has undergone incarceration for over 6 years and 1 month out of the total sentence of 10 years 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:-

- (1) The petitioner shall report to SHO, Police Station- Prasad Nagar once week on every Friday during the period of parole.
- (2) He shall furnish his mobile telephone, which he undertakes to keep operational, to the concerned SHO.
- (3) He shall not leave the National Capital Territory of Delhi without prior permission of the court.

(5) 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

FEBRUARY 15, 2016
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