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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 23.02.2016

W.P.(CRL) 585/2016

ANIL KUMAR

..... Petitioner

Through: Ms. Sumita Arora, Advocate for
Mr. Krishan Kumar, Advocate

versus

STATE

..... Respondent

Through: Ms. Richa Kapoor, ASC (Criminal)
with Inspector Narender Kumar, PS
Gulabi Bagh

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 search a suitable life partner for himself and to re-establish and maintain his family and social ties.
2. The petitioner is aggrieved by the order dated 07.10.2015 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 stated that the grounds taken by the convict do not seem to be genuine. The possibility of impact on law and order and security in the area and threat to the victim party/witnesses cannot be ruled out. Police has an apprehension that the possibility of jumping the parole and committing similar offence cannot be ruled out.

Further, the convict has last availed 01 month parole upto 06.01.15 by the order of GNCTD and thereafter she has also availed 05 weeks furlough during this year 2015 and recently returned to jail after availing 02 weeks furlough upto 09.08.2015 by the order of DG(P).”

3. A perusal of the reasons stated by the competent authority in the impugned order dated 07.10.2015 reveals that the same are specious in view of the circumstance that the petitioner has been released on parole as well as furlough earlier and is not stated to have misused the liberty granted to him by this Court. Therefore, the apprehension expressed in the impugned order is without any reason or justification. Insofar as, the other reason for which the representation has been dismissed, the same are without any cogent material and are consequently not genuine.

4. A perusal of the nominal roll qua the petitioner reveals that his jail conduct has been satisfactory from the very inception of her incarceration. The petitioner has already undergone almost five years and nine months incarceration, without remission, out of the total sentence of ten years awarded to him.

5. It is trite to say that there are number of judicial pronouncements in which it has been held 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. 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.5,000/- (Rupees Five Thousand) with one surety of the like amount to the satisfaction of the Superintendent, Central Jail, Tihar subject to the following conditions:-

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

The writ petition is allowed and disposed of accordingly.

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

FEBRUARY 23, 2016

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SIDDHARTH MRIDUL, J

