

\$~19

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

+ **W.P.(CRL) 577/2016**

NARESH KHAPRA

..... Petitioner

Through : **Mr. Harish Kohli & Mr. Rohit
Chauhan, Advocates**

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through : **Mr.Rahul Mehra, Standing Counsel
for the State with Mr. Jamal Akhtar,
Mr. Shekhar Budakoti & Mr. Sanyog
Bahadur & SI Manoj Dahiya,
PS Punjabi Bagh**

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

%

01.03.2016

1. The present petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. has been filed by the Petitioner from jail seeking parole for a period of nine months on the medical ground.

2. Learned counsel for the Petitioner submits that he has been convicted in case FIR No.887/2006, PS Punjabi Bagh, under Section 302/307/120B/34 IPC & 25/27/54/59 Arms Act and was sentenced to life imprisonment with fine of ₹8,000/- (in default to undergo simple imprisonment for 1 year) under Section 120B/302 IPC, RI for 10 years under Section 120B/307 IPC with fine of ₹5,000/- (in default to undergo simple imprisonment for 6 months) and RI for 3 years under Section 27 Arms Act (in default to

W.P.(CRL) 577/2016

Page 1 of 3

undergo simple imprisonment for 3 months). Learned counsel for the petitioner prays for grant of parole to the Petitioner on medical ground as the case is of Pott's Spine (Tuberculosis of Spine) with Lower Backache with Chronic Urticarial.

3. Status report has also been filed by the State and health status report of petitioner is received from Medical Officer I/C, Central Jail No.4, Tihar, New Delhi.

4. Learned ASC for the State submits that as per the status report filed, there is a possibility of his jumping the parole, hence prayer of the Petitioner may be rejected. However, learned ASC for the State submits that the address of the petitioner is verified.

5. As per nominal roll, the overall jail conduct of the Petitioner as well as jail conduct in last one year is mentioned as 'Satisfactory'.

6. Considering the facts and circumstances of the case and medical condition of the petitioner, the prayer for grant of parole is allowed to the extent that the Petitioner is granted parole for a period of four weeks from the date of his release, on his furnishing personal bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent and subject to the following conditions:-

(i) During the period of parole, the Petitioner shall report to the Duty Officer, P.S.Punjabi Bagh, Delhi on every Monday at 10 AM.

(ii) The Petitioner shall keep the SHO, P.S. Punjabi Bagh, Delhi informed about his place of residence in Delhi and his contact numbers i.e. mobile, landline or both. It would be open to the concerned SHO to verify the address and the contact numbers and to seek cancellation of parole in case it is found to be incorrect.

(iii) The petitioner shall not try to contact or influence the complainant/witnesses.

(iv) While submitting the bail bond, he will furnish to the Jail Superintendent the address of the place where he would reside in Delhi during the period of parole as well as the contact numbers.

7. It is, however, made clear that on expiry of the parole period, the Petitioner shall surrender before the concerned Jail Superintendent, who shall submit the surrender report to this Court. Petitioner is also directed to file documents regarding his surgery and other treatment to concerned Jail Superintendent.

8. Writ Petition stands allowed in the above terms.

9. The Petitioner be informed through the Jail Superintendent about the order passed.

Order *dasti*.

PRATIBHA RANI, J.

MARCH 01, 2016

'aky'