

#7

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 17th March, 2016

+ **W.P.(CRL) 636/2016**

TEJ PAL

..... Petitioner

Through Ms. Rakhi Dubey, Advocate

versus

STATE

..... Respondent

Through Ms. Kamna Vohra, ASC (Crl.)
SI Surender Pal, PS Krishna Nagar

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 read with Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) praying as follows:-

“(i) Get the construction of his house which would otherwise face the danger of collapse endangering lives.

(ii) Re-establish social ties as the petitioner has been in prison since last almost 12 years.

(iii) Pass any other order or directions which deem fit under the facts and circumstances of the present petition, in the interest of justice.”

2. Ms. Rakhi Dubey, learned counsel appearing on behalf of the petitioner limits the relief in the present petition to a direction to the competent authority to release the petitioner on parole in order to enable him to re-connect social ties with the family and society.

3. The petitioner is aggrieved by the order dated 19th January, 2016 whereby his application for grant of parole *inter alia* on the above-stated ground was rejected by the competent authority for the following reasons:-

“**rejected** in view of adverse police report which states that convict is a person of criminal nature and the possibility of not committing any offence is very less.

Further, as per nominal roll, the convict has last availed 01 month parole w.e.f. 02.03.2015 to 03.04.2015 by the order of GNCTD and thereafter, he has also availed 07 weeks furlough including last availed 02 weeks furlough w.e.f. 02.09.2015 to 17.09.2015 by the order of DG (P).”

4. The reasons stated by the competent authority in the order impugned herein tantamount to profiling and even otherwise, are without any cogent material, unsustainable and contrary to the record.

5. A perusal of the nominal roll *qua* the petitioner reveals that the petitioner has already undergone incarceration for almost eleven and a half

years out of the total sentence of life imprisonment awarded to him and his conduct in the jail since the inception of his incarceration has been satisfactory.

6. In the present case, it is observed that the petitioner has been released on interim bail, parole and furlough on numerous occasions in the past and is not stated to have misused the concession granted to him.

7. 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.

8. In view of the foregoing, I see no impediment in allowing the present writ petition.

9. 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 that:-

- (i) During the period the petitioner remains out on parole, he shall report to the SHO, Village Thiriya Salepur, PS Patwali, Distt. Rampur, U.P. once a week on every Wednesday.

- (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 concerned Police Station in Rampur, U.P. without the prior permission of this Court except to surrender before the jail authorities.
- (iv) Lastly, the petitioner shall surrender before the jail authorities at the expiry of the period of parole.

10. With the above directions, the writ petition is allowed and disposed of accordingly.

11. A copy of this order be sent to the Jail Superintendent for necessary information and compliance.

SIDDHARTH MRIDUL, J

MARCH 17, 2016

sd