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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 04.04.2016

W.P.(CRL) 637/2016

SURESH

..... Petitioner

Through: Mr. Ajay Verma, Advocate

versus

STATE

..... Respondent

Through: Ms. Nandita Dhir, Advocate for Ms.
Nandita Rao, ASC (Criminal)

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. The present petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) seeks parole principally on the ground that the petitioner wants to re-establish ties with his family and society.
2. The petitioner is aggrieved by the order dated 26.02.2016, whereby his representation for grant of parole has been rejected by the Competent Authority for the following reasons:-

“.....rejected in view of adverse police report which states that the taken grounds by the convict not seems to be genuine and there is possibility of breach of

public peace as he was involved in a heinous crime. The possibility of jumping the parole and committing similar offence by the convict cannot be ruled out. There is possibility of some dispute/clash between the victim party/accused.

Further, the convict has availed total 07 weeks furlough during the year 2015 including last availed 02 weeks furlough up to 23.10.15 by the order of DG(P).”

3. A perusal of the reasons stated by the Competent Authority to reject the petitioner’s representation reveals that the same are without any cogent material and are contrary to the record. On the one hand, it is clearly stated that the petitioner has availed furlough and is not stated to have misused the liberty granted to him and on the other it is concluded that the release of the petitioner on parole may result in breach of public peace and the possibility of his jumping parole and committing similar offence cannot be ruled out, without alluding to any relevant material in that behalf.

4. A perusal of the nominal roll qua the petitioner reveals that the petitioner has already undergone over twelve years and six months incarceration out of the total sentence of life imprisonment 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 furlough on earlier occasions by this Court and is not stated to have misused the liberty granted to him.

5. It is trite to say 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 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 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- Kotla Mubarakpur, Delhi once a week on every Thursday.
- (ii) The petitioner shall also provide the SHO, Police Station- Kotla Mubarakpur, 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.

7. However, in view of the circumstance that the co-accused of the petitioner is currently on parole for a period of four weeks from 22.03.2016, the present order shall take effect only on the date that the said co-accused namely, Sushil Pahalwan surrenders before the jail authorities at the expiry of his period of parole.

8. The writ petition is disposed of accordingly.

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

SIDDHARTH MRIDUL, J

APRIL 04, 2016

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