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

+ W.P.(CRL) 667/2016

KAUSHAL

..... Petitioner

Through : Mr.Jivesh Tiwari, Advocate.

versus

STATE

.... Respondent

Through : Mr.Avi Singh, ASC for the State with
SI Pankaj, PS Nangloi.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

29.02.2016

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1. This is a petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. filed by the Petitioner from Jail seeking parole for a period of three months on the ground of re-establishing social ties with the family and society.

2. Learned counsel for the Petitioner submits that the Petitioner had made representation to the Respondent/State praying for grant of parole which has been rejected by the Respondent vide order No.F.18/230/2012/HG/467 dated 01.02.2016.

3. Learned counsel for the Petitioner further submits that as per Parole/Furlough Guidelines 2010, one of the objectives of framing the said guidelines was 'to protect social ties'. Learned counsel for the petitioner prays for grant of parole to the Petitioner to enable him to reconnect social ties with his family and society.

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4. On behalf of the State, it has been submitted by learned Addl. Standing Counsel that the petitioner is seeking parole for maintaining social ties with his family and since he is permanent resident of Village Dhanwa, Distt. Nawada, Bihar, there is a possibility of his jumping the parole. He further submits that prayer of the petitioner seeking parole may be considered subject to such conditions as deemed fit by this Court.

5. Nominal roll of the Petitioner has also been placed on record as per which the jail conduct of the Petitioner during last one year as well as his overall jail conduct has been 'Satisfactory'. Perusal of nominal roll of the petitioner further reveals that earlier also the petitioner availed parole thrice by order of this Court as well as by order of Government of NCT of Delhi.

6. Considering the facts and circumstances of the case, 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 ₹ 10,000/- **with one surety, who is permanent resident of Delhi**, of the like amount to the satisfaction of the concerned Jail Superintendent and subject to the following conditions:-

(i) Since the petitioner is resident of Village Dhanwa, Distt. Nawada, Bihar, the Petitioner shall keep the SHO/Duty Officer, P.S. Nangloi, Delhi as well as concerned Jail Superintendent informed about his place of residence and his contact numbers i.e. mobile, landline or both during the period of parole. 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.

(ii) **The concerned Jail Superintendent is directed to get the address of the surety verified before releasing the petitioner on bail and**

it would be open to the Jail Superintendent to seek cancellation of parole in case it is found to be incorrect.

(iii) The Petitioner shall report on every Monday at 11 AM to the Duty Officer of the concerned Police Station/Police Post under the jurisdiction of which, the Petitioner shall stay during the period of parole in his native town.

(iv) During the period of parole, the Petitioner shall not try to contact the witnesses in any manner whatsoever.

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.

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.

FEBRUARY 29, 2016

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