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

+ **W.P.(CRL) 677/2016**

SUSHIL CHOWDHARY @ SUSHIL PAHALWAN Petitioner

Through: Mr Shiv Chopra and Ms Megha,
Advocates for Mr Pramod Kumar Dubey,
Advocate.

versus

STATE Respondent

Through: Ms Srilina Roy, Advocate for Ms Nandita
Rao, Addl. Standing Counsel (Crl.).
ASI Janardan Singh, PS- Kotla
Mubarakpur.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER
22.03.2016

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The present is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 seeking release of the petitioner on parole in order to enable the latter to arrange funds for the admission of his daughter in a school located close to his residence as well as to re-establish social ties with family and society.

The petitioner is aggrieved by the order dated 08.12.2015 whereby his application for grant of parole on the above-stated grounds was rejected by the competent authority for the following reasons:-

“**rejected** in view of adverse police report which states that there may be an adverse impact on law and order in the area and on the victim party/witnesses. The possibility of jumping the parole and commit similar offences by the convict cannot be ruled out. The possibility of jumping the parole can not be ruled out.

Further, the convict has last availed parole w.e.f. 02.01.14 to 02.02.14 by the order of DHC & furlough w.e.f. 25.08.15 to 08.09.15 by the order of DG (P).”

A perusal of the reasons stated in the impugned order reveals that the same are contradictory and without any cogent material. On the one hand it is asserted that there is possibility of the petitioner if released on parole having an adverse impact on law and order in the area and on the other it is admitted that he was released on parole earlier and is not stated to have misused the liberty granted to him.

A perusal of the nominal roll qua the petitioner reveals that he has undergone incarceration for twelve and half years out of the total sentence of life imprisonment. The jail conduct of the petitioner has been satisfactory in the past one year. The petitioner has been released on furlough by the competent authority on a number of occasions previously and is not stated to have misused the liberty granted to him. It is an admitted position that the petitioner has a school-going daughter.

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.

In view of the foregoing, I see no impediment in allowing the present petition. 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:-

- (1) The petitioner shall report to SHO, Police Station- Kotla Mubarakpur, Delhi, once a week on every Friday during the period of parole.
- (2) He shall furnish his mobile telephone number, which he undertakes

to keep operational, to the Jail Superintendent as well the concerned SHO.

- (3) He shall not leave the National Capital Territory of Delhi without prior permission of the court.
- (4) Lastly, the petitioner shall surrender before the jail authorities at the expiry of the period of parole.

With the above directions the writ petition is disposed of.

A copy of this order be sent to the Jail Superintendent to be communicated to the petitioner.

MARCH 22, 2016
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SIDDHARTH MRIDUL, J