

#39

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

Date of decision: 09.03.2016

+ W.P. (CRL.) 769/2016

CHANDER SHEKHAR @ SHEKHAR Petitioner
Through Mr. Jivesh Tiwari, Advocate

versus

STATE Respondent
Through Mr. R.S. Kundu, Addl. Standing
Counsel (Crl.)
SI Ajeet Kumar, PS C.R. Park

**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 praying for a direction to the competent authority to release the petitioner on parole in order to enable him to attend to and arrange for proper medical treatment of his minor daughter as well as of his wife.

2. The petitioner is aggrieved by the order dated 16th February, 2016 whereby his application for grant of parole on the above-stated grounds was rejected by the competent authority for the following reasons:-

“rejected in the absence of requisite police verification report regarding verification of address and grounds taken by convict from concerned police authorities i.e. from DCP/South East Distt. Delhi, despite several requests.

Further, the convict has availed 07 weeks and five days furlough during the year 2015 including last availed 05 days furlough upto 19.11.2015 by the order of DG (P).”

3. The reasons ascribed by the competent authority whilst rejecting the petitioner’s representation for parole in the order impugned herein, are on the face of it, unreasonable, untenable and unsustainable. The petitioner cannot be visited with the consequences of the apathy of the administration.

4. A perusal of the nominal roll *qua* the petitioner reveals that he has already undergone incarceration for almost eleven years and one month out of the total sentence of life imprisonment awarded to him. The petitioner has been working as Legal Sahayak in jail and his overall jail conduct has been satisfactory since the inception of his incarceration. It is also an admitted position that the petitioner has been enlarged on parole and furlough earlier on numerous occasions and is not stated to have misused the liberty granted to him.

5. 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.

6. Furthermore, in the present case, it is observed that the medical condition of the petitioner's minor daughter and wife warrants his presence in the home in their hour of need.

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

8. 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:-

- (i) During the period the petitioner remains out on parole, he shall report to the SHO, Police Station- Chitranjan Park, Delhi once a week on every Friday.
- (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 NCT of Delhi without the prior permission of this Court.

- (iv) Lastly, the petitioner shall surrender before the jail authorities at the expiry of the period of parole.

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

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

MARCH 09, 2016
sd

SIDDHARTH MRIDUL, J

