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

Date of decision: 09.03.2016

+ W.P. (CRL.) 770/2016

JITENDER KUMAR Petitioner
Through Mr. S.K. Sethi, Advocate

versus

STATE Respondent
Through Ms. Nandita Rao, Addl. Standing
Counsel (Crl.)
SI Deepchand, PS Vasant Vihar

**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 provide for the medical treatment of his ailing mother; to repair the old and dilapidated condition of his own house; and to re-establish social ties with family members and society.

2. The petitioner is aggrieved by the order dated 11th 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 Distt., Hauz Khas, Delhi, SHO/PS Vasant Vihar, Delhi, DCP, East District, Patparganj, Delhi and SHO/PS Madhu Vihar, Delhi, which could not be obtained despite several requests.

Further, the convict has availed 01 month parole w.e.f. 25.03.15 to 26.04.15 by the order of GNCT and 07 weeks furlough during the year 2015 including last availed 02 weeks furlough upto 21.11.2015 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 over eight years and two months out of the total sentence of life imprisonment awarded to him. The overall jail

conduct of the petitioner 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 aged widowed mother warrants his presence in the home in her 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- Vasant Vihar, 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
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SIDDHARTH MRIDUL, J