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

+ W.P.(CRL) 830/2016

KALIM AHMED

..... Petitioner

Through: Mr Sumeet Verma and Mr Amit Kala,
Advocates.

versus

STATE

..... Respondent

Through: Mr Ashish Aggarwal, Addl. Standing
Counsel (Crl.) for Mr R.S.Kundu, Addl.
Standing Counsel (Crl.).
SI Brajveer Singh, PS- Seelampur.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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22.04.2016

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 him “to search a suitable life partner for himself; to repair his old house which is in ruined condition for last may years; to re-establish social ties with family members and society”.

The petitioner is aggrieved by the order dated 10.02.2016 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 North West, Jhilmil, Shahdara, Delhi, SHO, PS Seelampur, Delhi SSP, Varanasi District, Uttar Pradesh, SHO/PS Bhelu Pura, Varanasi District, Uttar Pradesh, which could not be obtained despite several requests.

Further, the convict has last 09 weeks furlough during the

year 2015 including last availed 02 weeks furlough up to 04.11.2015 by the order of DG(P). Co-accused of the convict has jumped parole.”

The reasons stated by the competent authority 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 in their failure to verify the petitioner's address. The other reason stated in the impugned order is irrelevant inasmuch as the petitioner has already been released on parole by this court subsequent upon his co-accused having had jumped parole as stated.

A perusal of the nominal roll qua the petitioner reveals that he has undergone more than thirteen years and ten months incarceration out of the total sentence of life imprisonment. His conduct in jail has been satisfactory for the last one year. The petitioner has been released on parole earlier and is not stated to have misused the liberty granted to him.

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.10,000/- with cash surety of Rs.5,000/- to the satisfaction of the Jail Superintendent subject to the following conditions:-

- (1) The petitioner shall report to SHO of the concerned Police Station-Bhelupura, P.O. Khojan, District Varansi, (U.P.), once a week on every Wednesday during the period of parole.
- (2) He shall furnish his mobile telephone number, which he undertakes to keep operational, to the concerned SHO.
- (3) He shall not leave the jurisdiction of the concerned Police Station in, U.P., without the prior permission of this Court except to surrender before the jail authorities.

(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 for compliance and to be communicated to the petitioner.

SIDDHARTH MRIDUL, J

APRIL 22, 2016

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