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

+ W.P.(CRL) 828/2016

AJAY KUMAR Petitioner

Through: Mr Saurabh Kansal and Ms Pallavi S.
Kansal, Advocates.

versus

STATE Respondent

Through: Ms Richa Kapoor, Addl. Standing
Counsel (Crl.).
SI Dharmendra, PS- Samaipur Badli.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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14.03.2016

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 take care of his son, father & mother; to maintain social and family ties; to arrange the funds for the same”.

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 view adverse police report which states that the grounds are not seems to be genuine. There may be adverse affect on law & order situation in the area. There is possibility of convict to jump the parole. The possibility of convict to commit a similar offence can not be ruled out.

Further, the convict has last availed parole 01 month w.e.f. 16.04.15 to 16.05.15 by the order of GNCTD.”

A perusal of the reasons stated in the impugned order reveals that the same are contradictory, inasmuch as, on the one hand, an apprehension is expressed that the convict may jump parole and commit a similar offence, whereas in the same breath it is stated that petitioner was released on parole earlier occasions and is not stated to have misused the liberty granted to him.

Learned counsel appearing on behalf of the petitioner submits that the father of the petitioner has been suffering from paralysis and various old age ailments and petitioner's son is mentally ill.

It is trite to say that a person in long incarceration is entitled to be released on parole once in every six months to re-establish social ties and for physical and mental well being.

In view of the above, I see no impediment in granting parole to the petitioner. The petitioner is directed to be released on parole for a period of four weeks from the date of his release subject to 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- Narshana, District- Bulandshahar (U.P.), 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 as the concerned SHO.
- (3) He shall not leave the jurisdiction of the concerned police station 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 to be communicated to the petitioner.

SIDDHARTH MRIDUL, J

MARCH 14, 2016/mk