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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 21.04.2016

+ W.P. (CRL.) 917/2016

BHAGTU MUNDA Petitioner
Through Mr. Michael Peter, Advocate

versus

STATE Respondent
Through Mr. Rahul Mehra, Standing Counsel
(Crl.) with Mr. Jamal Akhtar and Mr.
Shekhar Budakoti, Advocates
SI Sunil Kumar, PS Lahori Gate

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 re-connect social ties with his family and society and to wed Ms. Santoshi Topno.

2. The petitioner is aggrieved by the order dated 31st August, 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 stated that the ground taken by the convict is not genuine. The possibility of threat to the life of the convict during the parole period from other criminals. Police has expressed their apprehension that he may jump the parole and commit similar offence cannot be ruled out.

Further, the convict has last availed 04 weeks parole upto 08.11.2014 thereafter during the year 2015, he has also availed total 06 weeks furlough and recently returned to jail after availing 03 weeks furlough upto 24.06.15 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, do not inspire confidence as on the one hand, it is admitted that the petitioner has been released on parole/furlough on earlier occasions and is not stated to have misused the liberty granted to him and on the other, it is asserted that his release would pose a threat to the public at large.

4. A perusal of the nominal roll *qua* the petitioner reveals that he has already undergone incarceration for almost eleven years and two months out of the total sentence of life imprisonment awarded to him 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 this case in particular, the petitioner wants to settle down and tie the knot and has also found a suitable partner- Ms. Santoshi Topno, who in turn has also agreed to solemnize the marriage with the petitioner at Delhi. The statement of Ms. Santoshi Topno in this behalf is also reflected in the status report filed on behalf of the official respondent.

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.15,000/- 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- Lahori Gate, Delhi once a week on every Tuesday.
- (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) The petitioner shall surrender before the jail authorities at the expiry of the period of parole.
- (v) Lastly, the petitioner shall furnish to the concerned Jail Superintendent the proof of his marriage with Ms. Santoshi Topno, at the time of his surrender at the expiry of the period of parole.

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

10. *Dasti.*

SIDDHARTH MRIDUL, J

APRIL 21, 2016

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