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

+ W.P.(CRL) 943/2016

PAPPU KUMAR

..... Petitioner

Through: Mr Harsh Prabhakar, Advocate.

versus

STATE

..... Respondent

Through: Mr R.S.Kundu, Addl. Standing Counsel
(Crl.) with Mr Ankit Kr. Gulia,
Advocate.

Insp. Rajesh Kr., PS- Badarpur.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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22.03.2016

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 construct a new house of his own portion; to re-establish social ties with family members and society”.

The petitioner is aggrieved by the order dated 17.02.2016 whereby his application for grant of parole on the above-stated ground was rejected by the competent authority for the following reasons:-

“**rejected** in the absence of requisite police verification report regarding verification of address and ground taken by the convict has not yet been received from concerned police authorities i.e from DCP, South East District, Sarita Vihar, Delhi, Delhi, SHO, PS Badarpur, Delhi, SSP, Patna District Bihar, and SHO/PS Patna, Bihar, despite several requests.

Further, the convict has last availed 03 weeks furlough upto 15.11.15 by the order of DG (P).”

The reasons stated by the competent authority whilst rejecting the petitioner’s representation for parole are without any cogent material. A convict cannot be visited with the consequence of the apathy of the administration.

A perusal of the nominal roll qua the petitioner reveals that petitioner has

undergone incarceration for approximately twelve years and ten months out of the total sentence of life imprisonment. He was earlier released on parole and is not stated to have misused the concession granted to him. The overall jail conduct of the petitioner has been satisfactory since the inception of his incarceration.

It is trite to say 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.

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.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- Parsa Bazar, Distt. Patna, Bihar, 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 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 22, 2016/mk