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

+ **W.P.(CRL) 1039/2016**

ANIL KUMAR @ PAPPU

..... Petitioner

Through Ms.Inderjeet Sidhu and Ms.Garima Thapa,
Advocates.

versus

STATE

..... Respondent

Through Mr.Avi Singh (ASC- Crl.) with Ms.Megha
Bahl, Advocate.

ASI Ishwar Chand, P.S. Lodhi Colony.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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07.04.2016

The present is a petition under Article 226 of the Constitution of India seeking a direction of the Competent Authority to release the petitioner on parole inter-alia in order to enable him to secure admission for his minor son to school as well as to re-establish social ties with family members and society.

The petitioner is aggrieved by the order dated 23rd February, 2016 rendered by the Competent Authority whereby his representation for parole on the aforementioned grounds had been rejected in view of the adverse police report which states that there may be an adverse affect on law and order in the society; there is every possibility that the convict may jump parole and there may be threat to the law and order in the society.

A perusal of the reasons given by the Competent Authority in the order impugned herein reveals that the same are not sustainable and are a manifestation of complete non-application of mind. On the one hand it is recorded that the petitioner has been released on parole and furlough on earlier occasions and is not stated

to have misused the liberty granted to him and on the other without any cogent material, grave apprehension is expressed on the effect his release on parole would have on society in general.

The nominal roll qua the petitioner reveals that he has already undergone almost 11 years' incarceration out of the total sentence of life awarded to him. The conduct of the petitioner in jail has been satisfactory since the inception of his incarceration. The petitioner has admittedly been released on furlough and parole on a number of previous occasions and is not stated to have misused the liberty granted to him on any such occasion.

It is trite to state that a convict who has undergone long incarceration is entitled to parole in order to re-establish social and family ties and for his mental and physical well-being.

In the present case, it is observed that the petitioner has a minor son who needs to be admitted to a school. It has been brought to my notice that the mother of the petitioner, namely, Smt. Pratima, wife of Shri Vir Singh is currently on parole. However, in view of the special circumstances aforestated the official respondent does not oppose the grant of parole to the petitioner on this ground.

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/- (rupees five thousand) 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- Lodhi Colony once week on every Monday 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 National Capital Territory of Delhi without prior permission of the court.
- (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

APRIL 07, 2016

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