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

Date of decision: 19.04.2016

+ W.P. (CRL.) 1014/2016

NARESH

..... Petitioner

Through Mr. Neeraj Bhardwaj, Advocate

versus

STATE

..... Respondent

**Through Mr. R.S. Kundu, ASC (Crl.) with Mr.
Ankit Gulia, Advocate
SI Mahendra, PS Subzi Mandi**

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 seeking a direction of mandamus to the competent authority to release the petitioner on parole in order to enable him to take care of his ailing mother, wife and two minor children; and to re-establish social ties with family members and society.

2. The petitioner is aggrieved by the order dated 2nd March, 2016 whereby his representation 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 states that the release of convict may affect the peace and tranquility of the area which cause law and order and security problem of the area. There is a chance of threat or bad impact on the victim party/witnesses of the case. There is no control of his family members over the convict. The possibility of jumping the parole cannot be ruled out.

Further, the convict is also involved in another case FIR No. 174/06 u/s 376/363/37 IPC PS Subzi Mandi. Convict has last availed one month parole upto 19.05.2015 by the order of DHC.”

3. The reasons ascribed by the competent authority whilst rejecting the petitioner’s representation for parole in the order impugned herein, are not sustainable. The same are not supported by any cogent material and are contradictory inasmuch as, the petitioner was released on parole earlier by this Court and is not stated to have misused the liberty granted to him.

4. A perusal of the nominal roll *qua* the petitioner reveals that the overall jail conduct of the petitioner has been satisfactory since the inception of his incarceration.

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. In view of the foregoing, I see no impediment in allowing the present writ petition.

7. 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:-

- (i) During the period the petitioner remains out on parole, he shall report to the SHO, Police Station- Subzi Mandi, Delhi once a week on every Friday.
- (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) Lastly, the petitioner shall surrender before the jail authorities at the expiry of the period of parole.

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

9. A copy of this order be sent to the Jail Superintendent for necessary information and compliance.

APRIL 19, 2016
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SIDDHARTH MRIDUL, J

