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

+ W.P.(CRL) 1017/2016

RAJESH @ SAHIL

..... Petitioner

Through: Mr Rajender Chhabra, Advocate
(DHCLS) and Mr Mrutunjay, Advocate.

versus

STATE

..... Respondent

Through: Mr Jamal Akhtar, Advocate for Mr Rahul
Mehra, Standing Counsel (Crl.).
SI Dharmendra Pratap Singh, PS-
Samaipur Badli, Delhi

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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22.04.2016

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 search a suitable match for himself; to look after and provide proper medical treatment of his old aged ailing parents; to re-establish social ties with family members & society”.

The petitioner is aggrieved by the order dated 23.02.2016 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 of adverse police report which states that the grounds are not seems to be genuine. There may be an adverse affect on law & order in the society. The possibility of committing similar offence & jumping the parole can not be ruled out. There may be threat to the law & order in the society. There may be bad impact on the victim party/witnesses. The convict can commit a similar offence if released.

Further, the convict has last availed 01 month parole w.e.f. 21.04.15 to 22.05.15 by the order of DHC and availed 05 weeks furlough during the year 2015 including last availed 02 weeks furlough upto 25.11.2015 by the order of DG(P).”

The reasons stated by the competent authority whilst rejecting the petitioner’s representation for parole are contradictory and without any cogent material. On the one hand it is admitted that the petitioner has been released on parole and furlough on earlier occasions without asserting that he misused the liberty granted to him on that occasion and on the other it is speculated that his release may pose a threat to the law and order situation.

A perusal of the nominal roll qua the petitioner reveals that he has undergone almost nine years and ten months incarceration out of the total sentence of life imprisonment. His conduct in jail has been satisfactory since the inception of his incarceration. The petitioner has been released on parole earlier and is not stated to have misused the liberty granted to him.

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 of the concerned Police Station, Village- Rachhoti, District- Meerut (U.P.), once a week on every Wednesday 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 jurisdiction of the concerned Police Station in, U.P., without the prior permission of this Court 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 for compliance and to be communicated to the petitioner.

SIDDHARTH MRIDUL, J

APRIL 22, 2016

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