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

Date of decision: 30.03.2016

+ W.P. (CRL.) 1051/2016

VIJAY JAIN

..... Petitioner

**Through Mr. Biswajit Kumar Patra for Mr.
Habibur Rahman, Advocate**

versus

STATE

.... Respondent

**Through Mr. Sanjay Lao, Addl. Standing
Counsel (Crl.) with Mr. Siddharth
Sindhu, Adv.
Inspector Kuwar Sahab Singh, PS
Farsh Bazar**

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 arrange funds for the medical treatment of his mentally ill son.

2. The petitioner is aggrieved by the order dated 16th February, 2016 whereby his application for grant of parole on the above-stated ground was rejected by the competent authority for the following reasons:-

“(i) The convict is not entitled for parole in view of Para 11.5 of Parole/Furlough Guidelines: 2010 which provides that “a minimum of six months ought to have elapsed from the date of termination of the previous parole” as the convict has last availed one month parole upto 17.09.2015 extended upto 24.09.2015 by the order of DHC.

(ii) 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, North East District, PS GTB Enclave, Delhi, SHO PS Shahdara, Delhi and SHO, PS Farsh Bazar, Shahdara, Delhi despite several requests.”

3. The reasons stated by the competent authority whilst rejecting the petitioner’s representation for parole in the order impugned herein cannot be sustained in view of the circumstance that the petitioner cannot be visited with the consequences of the apathy of the administration in conducting police verification. Even otherwise, the applicability of Para 11.5 of the Parole/Furlough Guidelines: 2010 is no longer relevant since the petitioner

was last released on parole upto 24.09.2015 and the requisite period of six months has since elapsed.

4. A perusal of the nominal roll *qua* the petitioner reveals that 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 earlier 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 the present case, it is observed that the petitioner's son namely Ankit Jain is mentally ill and is under constant care and treatment at IBHAS, Delhi.

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.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- Farsh Bazar, 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.

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

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

MARCH 30, 2016
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SIDDHARTH MRIDUL, J