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

+ W.P.(CRL) 1178/2016

SURESH CHANDER

..... Petitioner

Through: Mr. RCS Bhadoria, Advocate

versus

STATE

..... Respondent

Through: Mr. Ashish Aggarwal, ASC (Crl.)
SI Des Raj, PS Vikas Puri.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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30.05.2016

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 a writ of mandamus directing the respondent to release the petitioner on parole for a period of three months in order to enable him “to re-construct the complete house; to re-establish social ties with society and family”.

The petitioner is aggrieved by the order dated 15.03.2016 passed by the competent authority whereby his application or 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 grounds given in application are not genuine. Adverse impact on law and order and the security in the area on account of the proposed release of the convict on parole. Adverse impact on the victim party/witness involved on account of proposed release. The possibility of threat to the life of the convict during the

parole period from other criminal cannot be ruled out. The possibility of committing similar offence by the convict cannot be ruled out.

Further, the convict has last availed 01 month parole up to 11.06.2015 by the order of DHC and the 02 weeks furlough up to 23.11.2015 by the order of DG (P).”

The reasons ascribed by the competent authority while rejecting the petitioner’s representation for parole, cannot be sustained since the same are without any cogent material.

A perusal of the nominal roll qua the petitioner reveals that the petitioner was released on parole by this Court and was released on furlough by the competent authority, on various earlier occasions and is not stated to have misused the concession granted to him. A perusal of the nominal roll further reveals that the petitioner has undergone more than six and a half years’ incarceration out of the sentence of life imprisonment awarded to him. It is further observed that the overall jail conduct of the petitioner has been satisfactory since the inception of his incarceration.

It is trite to state that a person in long incarceration is entitled to be released on parole in order to re-establish social and family ties and for his mental and physical well-being.

It is further observed that the photographs of the house of the petitioner, that are annexed to the present petition clearly reveal that the same is dilapidated and in urgent need of repair and maintenance work.

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 – Vikas Puri 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 concerned SHO.
- (3) He shall not leave the National Capital Territory of Delhi without prior permission of this 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 for compliance and to be communicated to the petitioner.

SIDDHARTH MRIDUL, J

MAY 30, 2016

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