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

Date of decision: 22nd April, 2016

+ W.P.(CRL) 1173/2016

MOINUDDIN

..... Petitioner

Through

Mr. Sumeet Verma, Advocate

versus

STATE

..... Respondent

Through

Mr. Rahul Mehra, Standing Counsel
(CrI.) with Mr. Jamal Akhtar and Mr.
Shekhar Budakoti, Advocates
SI Ashok Kumar, PS H.Nizamuddin

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 (Cr.P.C.) seeking a mandamus to the official respondent to direct the latter to release the petitioner on parole for a period of three months in order to enable him “to construct a new own house; and to maintain family and social ties”.

2. The petitioner is aggrieved by the order dated 15th March, 2016 whereby his application for grant of parole *inter alia* on the above-stated grounds was rejected by the competent authority for the following reasons:-

“**rejected** in the absence of requisite police verification report regarding verification of address and grounds taken by convict from concerned police authorities i.e. SSP District Kushi Nagar, U.P. and SHO/PS Kaptan Ganj, UP and DCP, South East District and SHO/PS Hazrat Nizamuddin, Delhi, which could not be obtained despite several requests.

Further, the convict has last availed one month parole upto 24.07.2015 by the order of GNCTD thereafter the convict has also availed 07 weeks furlough including last availed 02 weeks furlough upto 05.01.2016 by the order of DG (P).”

3. The reasons stated by the competent authority in the order impugned herein are on the face of it, unreasonable, untenable and unsustainable. The petitioner cannot be visited with the consequences of the apathy of the administration in their failure to verify the petitioner’s address. Insofar as the other ground *qua* the petitioner having availed of furlough upto 5th January, 2016 is concerned, the same is not one so as to disentitle him from re-establishing and renewing social and family ties.

4. Even otherwise, a perusal of the nominal roll *qua* the petitioner reveals that the petitioner has already undergone incarceration for over nine years and two months out of the total sentence of life imprisonment awarded to him and his conduct in the jail since the inception of his incarceration has been satisfactory.

5. In the present case, it is observed that the petitioner has been released on parole and furlough on a number of occasions by the competent authority earlier and is not stated to have misused the liberty granted to him.

6. 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.

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.20,000/- with cash security of Rs. 5,000/- to the satisfaction of the Jail Superintendent subject to the following conditions that:-

- (i) During the period the petitioner remains out on parole,

he shall report to the SHO, Village Narayanpur, P.S. Kaptan Ganj, Distt. Kushi Nagar, U.P. once a week on every Wednesday.

- (ii) The petitioner shall also provide the jail authorities as well as 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 concerned Police Station in Kushi Nagar, U.P. without the prior permission of this Court except to surrender before the jail authorities.
- (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 compliance and to be communicated to the petitioner.

SIDDHARTH MRIDUL, J

APRIL 22, 2016

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