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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 22nd April, 2016

+ W.P.(CRL) 1183/2016

VINOD KUMAR

..... Petitioner

Through

Mr. Nitish Chaudhary for Mr. Chetan Lokur, Advocate

versus

STATE

..... Respondent

Through

Mr. Rahul Mehra, Standing Counsel (CrI.) with Mr. Jamal Akhtar and Mr. Shekhar Budakoti, Advocates
SI Rajbala, PS South Rohini

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 urgently construct a new house; and to re-establish social ties with family members and society”.

2. The petitioner is aggrieved by the order dated 11th February, 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 view of adverse police report which states that the grounds are not seems to be genuine. There may be an adverse effect on law and order situation and victim party in the area. There is every possibility of convict to jump the parole. There may be threat to the victim party/witnesses.

Further, the convict has last availed 04 weeks furlough during the year 2015 including last availed 02 weeks furlough upto 27.06.2015 by the order of DG (P).”

3. The reasons stated by the competent authority in the order impugned herein are not germane and are contradictory in nature inasmuch as on the one hand, it is asserted that the petitioner was released on furlough in the year 2015 without stating that he misused the liberty granted to him and on the other, it is asserted that his release may cause law and order situation.

4. Even otherwise, a perusal of the nominal roll *qua* the petitioner reveals that the petitioner has already undergone incarceration for more than eleven years and ten 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 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.5,000/- with one surety of the like amount 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 Vaidpatti, P.S. Jasrana, Distt. Ferozabad, 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 Ferozabad, 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.

APRIL 22, 2016

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SIDDHARTH MRIDUL, J