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

Date of decision: 24.05.2016

W.P.(CRL) 1267/2016

PRAVINDER @ MOTI

..... Petitioner

Through : Mr. Siddharth Yadav, Adv.

versus

STATE (NCT OF DELHI)

..... Respondent

Through : Mr. R. S. Kundu, ASC and Mr. Ankit
Kumar Gulia, Adv. with SI Sandeep
PS Vasant Kunj.

**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 praying for a writ in the nature of mandamus directing the official respondent to release the petitioner on parole so as to enable the latter to find a suitable alliance for himself as well as to re-establish family and social ties.
2. The petitioner is aggrieved by the order dated 15.03.2016 whereby his representation for parole on the above ground was rejected by the competent authority for the following reasons:-

- “(i) The convict is not entitled for parole, as per 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”. The convict has previously availed 01 month parole upto 27.10.2015 by the order of DHC.
- (ii) In the absence of requisite police verification report regarding verification of address and grounds taken by convict from concerned police authorities i.e. DCP, South District, New Delhi and SHO, PS Vasant Kunj, Delhi which could not be obtained despite several requests.”

3. A perusal of the above-stated reasons reveals that in so far as the reference to para 11.5 of Parole/Furlough Guidelines 2010 is concerned, the same has become irrelevant, inasmuch as, a period of more than six months has elapsed since the time the petitioner last availed parole. Insofar as, the other reason is concerned, it is trite to say that the petitioner cannot be visited with the consequences of the apathy of the administration in failing to furnish the police verification report in time. Even otherwise, the residential address of the petitioner has since been verified by the police.

4. There is no gainsaying the legal position that every convict is entitled to parole periodically so as to enable him to renew and re-establish social ties and for his physical and mental well-being.

5. In the present case, a perusal of the nominal roll qua the petitioner reveals that he has already undergone more than eight years and four months' incarceration out of the total sentence of ten years awarded to him. Further, the conduct of the petitioner in jail has been satisfactory since the very inception of his incarceration.

6. In view of the foregoing, I see no impediment in granting parole to the petitioner. The petitioner is directed to be released on parole for a period of four weeks from the date of his release subject to his furnishing a personal bond in the sum of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount to the satisfaction of the Trial Court, subject to the following conditions:-

- (i) The petitioner shall report to SHO PS Vasant Kunj (North) once a week every Friday during the period of parole.
- (ii) The petitioner shall not leave the National Capital Territory of Delhi during the period of parole, without the prior permission of this Court.

- (iii) The petitioner shall also provide the SHO, Police Station Vasant Kunj (North) with his mobile telephone number which he undertakes to keep operational.
- (iv) The petitioner is directed to surrender before the jail authorities at the expiry of the period of parole.

7. The writ petition is allowed and disposed of accordingly.

8. A copy of this order be given dasti under the signature of Court Master to learned counsel for petitioner.

SIDDHARTH MRIDUL, J.

MAY 24, 2016/dk