

#42

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 04.05.2016

W.P.(CRL) 1399/2016

MANJEET @ TOTA

..... Petitioner

Through: Mr. Pramod Kumar Dubey, Advocate
with Ms. Megha, Advocate

versus

STATE

..... Respondent

Through: Mr. Sanjay Lao, ASC (Criminal) with
Mr. Siddharth Sindhu, Advocate and
SI Shyam Sunder, PS- Sector-23,
Dwarka

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A. /2016 (Exemption – To Be Numbered)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(CRL) 1399/2016

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.) praying for a direction to the official respondent to release the petitioner on parole in order to enable him to take care of his old aged mother; to maintain social ties with family and society and to combat inner stress.

2. The petitioner is aggrieved by the order dated 02.03.2016 whereby his representation for 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 there is strong possibility of convict to harm the law & order in the society. The possibility of jumping the parole cannot be ruled out.

Further, the convict has last availed one month parole w.e.f. 25.04.15 to 25.05.2015 by the order of DHC.”

3. The grounds stated by the competent authority in the order assailed hereinabove are completely untenable. On the one hand, it has been asseverated that the release of the petitioner may cause law and order situation and in the same breath it is admitted that he was enlarged on parole in the year 2015, without there being any allegation that he has misused the liberty granted to him by this Court.

4. A perusal of the nominal roll *qua* the petitioner reveals that he has undergone almost two years and two months incarceration out of the total sentence of seven years awarded to him. The nominal roll further reveals that the petitioner has been assisting the jail authorities as *Ward Sahayak*. The overall conduct of the petitioner in jail has been satisfactory since the inception of his incarceration.

5. It is trite to state that a person in long incarceration is entitled to be released on parole for a month in a year to re-establish social ties, for physical and mental well being and to combat inner stress.

6. In the present case, it is observed that it is an admitted position that the petitioner has an old aged mother who needs constant attention.

7. In view of the above, I see no impediment in granting parole to the petitioner. The petitioner is enlarged on parole for the period of four weeks from the date of his release subject to his furnishing a personal bond in the sum of Rs.5,000/- (Rupees Five Thousand only) with one surety of the like amount to the satisfaction of the Superintendent, Central Jail, Tihar subject to the following conditions:-

- (i) During the period the petitioner remains out on parole, he shall report to the SHO, Police Station- Dwarka, Sector-23, Delhi once a week on every Saturday.
- (ii) The petitioner shall also provide the SHO, Police Station- Dwarka, Sector-23, Delhi with his mobile telephone number which he undertakes to keep operational.
- (iii) The petitioner shall not leave the National Capital Territory of Delhi during the period of parole, without the prior permission of this Court.
- (iv) The petitioner is directed to surrender before the jail authorities at the expiry of the period of parole.

8. The writ petition is disposed of accordingly.

9. A copy of this order be sent to the Jail Superintendent, Tihar for necessary compliance and communication of the same to the petitioner.

SIDDHARTH MRIDUL, J

MAY 04, 2016

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