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

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W.P.(CRL) 1300/2016

ANIL KUMAR

..... Petitioner

Through: Mr Ajit Kumar and Ms Nikita Sharma,  
Advocates.

versus

STATE

..... Respondent

Through: Mr Rajesh Mahajan, Addl. Standing  
Counsel (Crl.).

**CORAM:**

**HON'BLE MR. JUSTICE SIDDHARTH MRIDUL**

**ORDER**

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**06.05.2016**

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 release of the petitioner on parole in order to enable him “to attend the marriage of himself to be held on 15.05.2016; to arrange funds for the same and to maintain family and social ties”.

The petitioner is aggrieved by the order dated 16.04.2016 whereby his application for grant of parole on the above-stated 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 previous availed 01 month parole upto 30.11.15 granted by DHC.
- (ii) Adverse police report which states that the facts given in the petition are correct but it seems intentionally fabricated. The convict Anil Kumar is undergoing life imprisonment then how a girl can be ready to marry a convicted person. If the

convict is released on parole he may commit similar offence or any other crime. He may jump the parole.

Further, as per nominal roll the overall jail conduct of convict is reported to be unsatisfactory being punishment dated 07.06.11, 30.12.11, 06.02.13 & 14.04.13. The convict has last availed 01 month parole upto 30.11.2015 by the order of DHC.”

Insofar as the first reason i.e. Para 11.5 of Parole/Furlough Guidelines 2010 is concerned, the same are merely guidelines and cannot be applied blindly in every case. In the present case the petitioner is slated to get married on 15.05.2016 which is evidenced by the wedding card annexed to the present writ petition as Annexure ‘A’. Even otherwise a few days are left before the expiry of the period of six months from the termination of the previous parole.

The other reason is a complete non-application of mind. It is not for the competent authority to determine “how a girl can be ready to marry a convicted person”. This reason, on the face of it, is perverse.

A perusal of the nominal roll qua the petitioner reveals that he has undergone 7½ years imprisonment out of the total sentence of life imprisonment. His conduct in jail has been satisfactory for the last year. The petitioner was earlier released on parole by this court and is not stated to have misused the concession granted to him.

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.

In the present case the petitioner and Monica, the prospective wife of the petitioner, who is present in court today, are going to be married on 15.05.2016.

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.15,000/- 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- Palam Airport once a week on every Wednesday 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 Region during the period of parole without prior permission of this court.
- (4) 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 to be communicated to the petitioner.

**SIDDHARTH MRIDUL, J**

**MAY 06, 2016**

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