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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 04.05.2016

W.P.(CRL) 1391/2016

SURENDER KUMAR

..... Petitioner

Through: Ms. Rakhi Dubey, Advocate with Mr.
Sudhakar Singh and Mr. Nitin Kumar
Gaur, Advocates

versus

STATE

..... Respondent

Through: Mr. Rahul Mehra, Standing Counsel
(Criminal) with Mr. Jamal Akhtar and
Mr. Amrit Singh, Advocates

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.) praying for a direction to the official respondent to release the petitioner on parole in order to enable him to maintain social ties with family and society and to combat inner stress.

2. The petitioner is aggrieved by the order dated 31.03.2016 whereby his representation for grant of parole on the above stated grounds 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 30 days parole upto 18.10.2015 by the order of DHC. The convict was on regular bail w.e.f. 23.03.99 to 05.09.2014 by the order of DHC.
- (ii) In the absence of requisite police verification report from concerned police authority i.e. SHO/Kanjhawla, Delhi which could not be obtained despite several requests.”

3. Insofar as, the first reason ascribed by the competent authority whilst rejecting the petitioner's representation for parole is concerned, the same has been rendered irrelevant in view of the circumstance that six months have in fact elapsed since the time the petitioner last surrendered on the expiry of the parole granted to him. The second ground is a complete non-application of mind, inasmuch as, the petitioner cannot be visited with the consequences of the apathy of the administration in furnishing the requisite police verification report.

4. A perusal of the nominal roll *qua* the petitioner reveals that he has undergone more than five years and ten months incarceration out of the total sentence of life imprisonment awarded to him. The petitioner has been

released on parole by this Court on an earlier occasion and is not stated to have misused the liberty granted to him. The overall conduct of the petitioner in jail has been satisfactory since the inception of his incarceration. The petitioner was on regular bail w.e.f. 23.03.1999 to 05.09.2014 and there is no hint or allegation that he abused that liberty.

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 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- Kanjhawla, Delhi once a week on every Saturday.
- (ii) The petitioner shall also provide the SHO, Police Kanjhawla, 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.

7. The writ petition is disposed of accordingly.
8. 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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