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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 19.05.2016

W.P.(CRL) 1482/2016

BRIJESH KUMAR GAUTAM

..... Petitioner

Through: Mr. Puneet Singhal, Advocate with
Mr. Brijesh Kumar Gautam, Advocate

versus

STATE

..... Respondent

Through: Ms. Mallika Parmar, Advocate for
Ms. Richa Kapoor, ASC (Criminal)
with SI Khem Chand, PS- Welcome

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. The present petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) seeks a writ of mandamus to the Competent Authority to release the petitioner on parole, in order to enable him to urgently renovate his dilapidated house to accommodate his family members; and to re-establish social ties with family members and society.

2. The petitioner is aggrieved by the order dated 05.04.2016 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 the house could be repaired/re-constructed by the family members of the convict.

Further, the convict has last availed 04 weeks parole up to 03.07.2015 by the order of DHC. Convict has jumped the parole on 06.07.2012 and re-arrested on 05.12.2012.”

3. The reasons ascribed by the Competent Authority in the order impugned in the present petition cannot be sustained for two reasons. Firstly, it is an admitted position that the family’s dwelling house requires repair. Secondly, it is the constitutional right of every convict to be released on parole periodically, so as to enable him to renew and re-establish social and family ties and for physical and mental well being.

4. The rejection of the representation further for the reason that the petitioner had jumped parole on 06.07.2012 and was only re-arrested on 05.12.2012, in my view, does not come to the aid of the official respondent, inasmuch as, the petitioner was released on parole by this Court subsequently for four weeks from 05.06.2015 to 03.07.2015 and is not stated to have violated the terms of his release on that occasion.

5. The jail conduct of the petitioner in the past has been satisfactory, save and except for the punishment meted out to him for having jumped parole, as aforementioned.

6. A status report has been filed on behalf of the official respondent. The same is taken on record. A perusal of the same reveals that the residential address of the petitioner has since been verified by the police.

7. In view of the foregoing, I see no impediment in allowing the present petition. The petitioner is directed to be released 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.10,000/- (Rupees Ten 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- Welcome, Delhi once a week on every Monday.
- (ii) The petitioner shall also provide the SHO, Police Welcome, 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 Superintendent, Central Jail, Tihar for necessary compliance and onward communication of the same to the petitioner.

MAY 19, 2016
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SIDDHARTH MRIDUL, J