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

+ W.P.(CRL) 1516/2016

SURENDER @ KALWA

..... Petitioner

Through: Mr Sunil Upadhyay, Advocate.

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr Rahul Mehra, Standing Counsel  
(Crl.).

**CORAM:**

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

**ORDER**

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**31.05.2016**

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 and make necessary arrangement for his own marriage scheduled to be performed on 09.06.2015; and to arrange finance for the same.

The petitioner is aggrieved by the order dated 31.03.2016 whereby his application for grant of parole on the above-stated ground was rejected by the competent authority for the following reasons:-

- “(i) As per para 12.5 of Parol/Furlough Guidelines: 2010 which provides that “parole would ordinarily be not granted except, if in the discretion of the competent authority special circumstances exist for grant of parole” (C) if prisoner is convict for multiple murders. The convict has committed murder of three persons.
- (ii) 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 02 weeks parole upto 11.12.2015 by the order of DHC.
- (iii) In the absence of requisite police verification report from concerned police authorities i.e. DCP/Outer District, Delhi and SSP, Bawalndshahar, UP which could not be obtained despite several requests.”

Insofar as the para 12.5 of Parole/Furlough Guidelines: 2010 is concerned, they are merely guidelines and cannot be applied blindly in every case. A perusal of the nominal roll qua the petitioner reveals that he has been released on parole by this court on two occasions in the past with effect from 14.03.2015 to 11.04.2015 and 27.11.2015 to 11.12.2015, and is not stated to have misused the liberty granted to him.

Insofar as para 11.5 of Parole/Furlough Guidelines: 2010 is concerned, the same is irrelevant in the present case, inasmuch as, the period of six months will elapse on 10.06.2016.

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.

A perusal of the nominal roll qua the petitioner reveals that his conduct in jail has been satisfactory since the inception of his incarceration. The petitioner has already undergone twelve years and three months' incarceration without remission out of the total sentence of life imprisonment.

It is trite to say 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 it is further observed that the marriage of the petitioner is scheduled to be solemnised with Seema daughter of Sh. Raghuveer Singh resident of Lakha Bazar, Guana, Distt. Aligarh (U.P.) on 09.06.2016 and the same has been verified by the official respondent.

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 the SHO, concerned Police Station- Village Salempura Colony, Distt. Bulandshahar, Post Kakore (UP) once a week on every Tuesday during the period of parole.
- (2) He shall furnish his mobile telephone, which he undertakes to keep operational, to the concerned SHO.
- (3) He shall not leave the jurisdiction of the concerned police station except to surrender before the jail authorities.
- (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 given *dasti* to counsel for the parties.

**SIDDHARTH MRIDUL, J**

**MAY 31, 2016**

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