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

+ W.P.(CRL) 1777/2016

SARAVJEET SINGH

..... Petitioner

Through: Mr. Jivesh Tiwari, Advocate

versus

STATE

..... Respondent

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

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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01.06.2016

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 look after and arrange medical treatment for his younger brother who met with an accident few years back and got severe injury in his ankle of right leg, and the doctor has prescribed to re-operate the same; to re-establish social ties with society and family members; and to arrange finance for the treatment of his brother.

2. The petitioner is aggrieved by the order dated 24.04.2016 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 convict may jump the parole, if granted.

Further, the convict has last availed 15 days parole upto 13.08.2015 by the order of DHC and remained on regular bail w.e.f. 17.12.98 to 27.11.2013.”

3. Upon verification, a status report has been filed on behalf of the official respondent. The same is taken on record. A perusal thereof reveals that the ground trotted out before the Competent Authority is patently false. The practice to secure parole at all costs, by resorting to invocation of false grounds, is deprecated. However, the reason asseverated by the Competent Authority in the order impugned herein before this Court, does not inspire confidence and is unsustainable. No cogent material has been produced to demonstrate that the petitioner may jump parole, if granted. The said reason is contrary to the circumstance that the impugned order itself records that the petitioner has been released on parole earlier and is not stated to have misused the liberty granted to him.

4. A perusal of the nominal roll *qua* the petitioner reveals that he has undergone almost three years and one month incarceration out of the total sentence of ten years awarded to him. The overall conduct of the petitioner in jail has been satisfactory from the inception of his incarceration.

5. It is trite to say that every convict is entitled to be released on parole in order to enable him to renew and re-establish social ties and for his physical and mental well being.

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 trial court subject to the following conditions:-

- (i) During the period the petitioner remains out on parole, he shall report to the SHO, Police Station- Karol Bagh, Delhi once a week on every Monday.
- (ii) The petitioner shall also provide the SHO, Police Station- Karol Bagh, 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 onward communication of the same to the petitioner.

SIDDHARTH MRIDUL, J

JUNE 01, 2016

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