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

+ W.P.(CRL) 2098/2016

PRADEEP

..... Petitioner

Through: Mr. Vikas Padora, Advocate

versus

STATE

..... Respondent

Through: Ms. Sumi Anand for Mr. Avi Singh,
ASC

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

26.08.2016

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The status report has been filed. The address of the petitioner stands verified.

The petitioner has preferred the present writ petition to assail the order dated 26.05.2016 passed by the respondent rejecting the petitioner's application for parole. The petitioner seeks parole for a period of two months to look after his family and maintain social ties with his family and the society. The petitioner stands convicted under Section 307/34 IPC and sentenced to rigorous imprisonment of 5 years with fine of Rs.10,000/-, and in default whereof to undergo further 6 months simple imprisonment.

The appeal of the petitioner was dismissed by this court on 21.08.2015 i.e. CrI A No.882/2014. The nominal roll shows that as on 03.06.2016, the petitioner has undergone 2 years 2 months and 13 days of

incarceration and has earned remission of 7 months 21 days. The unexpired portion of the sentence is 2 years 1 month and 26 days. The jail conduct of the petitioner has been found to be satisfactory and he was lastly released on parole between 29.05.2015 and 29.06.2015.

The submission of learned counsel for the respondent is that since the complainant in the case in question happens to be a neighbour of the petitioner, his release on parole may lead to further law and order problem, and may endanger the life of the complainant.

In my view, that is no ground to deny parole to the petitioner as he had earlier been released on parole and no such incident of unsatisfactory conduct or criminality was reported against the petitioner. In any event, necessary conditions can be imposed by the court in this regard. Accordingly, the petition is allowed and the impugned order is quashed.

The petitioner is directed to be released on bail for a period of one month upon his furnishing personal bond with one surety in the sum of Rs.10,000/- to the satisfaction of the Jail Superintendent. The petitioner shall, however, not make any contact with the complainant or his family members. The petitioner shall report to the local police station once in every week i.e. every Monday at 11:00 a.m. to mark his attendance. He shall surrender at the end of the parole period.

Petition stands disposed of.

VIPIN SANGHI, J

AUGUST 26, 2016

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