

\$~42.

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

+ **W.P.(CRL) 2648/2016**

SUMIT @ PAWAN

..... Petitioner

Through: Mr. Ajit Sharma, Advocate

versus

STATE

..... Respondent

Through: Mr. Jamal Akhtar, Adv. for Mr. Rahul Mehra, Standing Counsel, GNCTD with Insp Satish Kumar

**CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI**

ORDER
09.09.2016

%

Issue notice. Notice is accepted on behalf of the State. The respondent has tendered the status report, which is taken on record.

By this petition, the petitioner seeks quashing of the order dated 29.07.2016 whereby the petitioner's application for parole has been rejected. The petitioner also seeks parole for a period of two months. The petitioner seeks parole to re-establish his social ties. The petitioner has been convicted in case FIR No.90/2010 under Section 302/201/34 IPC at PS Bhalaswa Dairy. He was awarded life imprisonment with fine. His appeal was dismissed by this court on 06.08.2014.

The nominal roll placed on record shows that the petitioner has undergone 3 years 10 months and 23 days incarceration. His jail conduct has been found to be satisfactory. He was earlier granted parole on two occasions, the last being between 15.12.2015 and 13.01.2016 by this court. The petitioner is involved in another case being FIR No.186/2012 under Section 341/506 IPC and he has been granted bail in the said case.

Learned counsel submits that the address of the petitioner has been verified. The ground for rejection of the parole application is the involvement in other case, as aforesaid and, consequently, it is claimed that he is a habitual offender.

Mere pendency of one other case is not sufficient ground to conclude that he is a habitual offender. Moreover, the petitioner was earlier granted parole on two earlier occasions and it is not reported that his conduct was unsatisfactory when he was out on parole. Accordingly, the impugned order is quashed and the petitioner is directed to be released on parole.

The petitioner is directed to be released on parole for a period of four weeks subject to:

- i) his furnishing personal bond with one surety in the sum of Rs.10,000/- to the satisfaction of the Jail Superintendent;
- ii) he shall provide his mobile phone number to the Jail Superintendent at the time of his release, which shall be kept in working condition at all times. The same shall not be changed without prior intimation to the Jail Superintendent;
- iii) he shall report at the local police station to mark his attendance on every Monday at 11:00 a.m. during the period of parole;
- iv) he shall duly surrender at the end of the period of parole; and

v) he shall also not indulge in any criminal activity while on parole.

Petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

SEPTEMBER 09, 2016

sr