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

+ **W.P.(CRL) 3207/2016**

ASHOK KUMAR

..... Petitioner

Through: Mr. Habibur Rahman & Ms.Prabha
Mishra, Advocates.

versus

STATE

..... Respondent

Through: Mr. Rajesh Mahajan, ASC and
Mr.Peeyush Bhatia, Advocate along
with SI Pinki Rana, PS – N.A. Nagar,
for the State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

08.11.2016

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The petitioner has preferred the present writ petition to seek quashing of the order dated 09.09.2016, whereby the petitioner's application to seek parole has been rejected. He also seeks two months parole to re-connect social ties.

The nominal roll on record shows that the petitioner stands convicted in case FIR No.393/2007 under Section 364A/ 368/ 344/ 347/ 120B read with Section 34 IPC registered at PS – New Ashok Nagar. He was awarded different sentences in respect of the aforesaid offence. Under Section 364A read with Section 120B IPC, he has been awarded life imprisonment with fine. The nominal roll shows that the petitioner has also been convicted in

case FIR No.286/90 under Section 302 IPC and Section 5 of the TADA Act registered at PS – Jahangir Puri. He has also been awarded life imprisonment with fine in the said case. That judgment has attained finality as his criminal appeal has been dismissed by the Supreme Court. In the present case as well, his Criminal Appeal No. 1595/2013 has been dismissed by this Court on 25.02.2016. In the other case, the petitioner was released on parole for a period of four weeks on 17.08.2002. However, the petitioner did not surrender on the due date, i.e. 15.09.2002 and he absconded. He was re-arrested only after about 5 ½ years on 03.03.2008. Since then, he is in incarceration.

Looking to the nature of the involvements of the petitioner, including in case under Section 302 IPC and Section 5 TADA Act and the fact that the involvement in the present case occurred while the petitioner was an undertrial in the earlier case FIR No.286/1990, in my view, the petitioner is a highly dangerous person and looking to his past conduct, this Court does not have confidence that the petitioner shall not jump parole again in case he is released at this stage.

Accordingly, no fault can be found with the order passed by the respondent denying parole to the petitioner.

The petition is, accordingly, dismissed.

VIPIN SANGHI, J

NOVEMBER 08, 2016

B.S. Rohella