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

+ W.P.(CRL) 3398/2016

NAVEEN KAUSHIK

..... Petitioner

Through: Mr. Hemant Singh & Mr. Dhan
Mohan, Advocates.

versus

STATE (GNCT OF DELHI)

..... Respondent

Through: Mr. Jamal Akhtar, Advocate for
Mr. Rahul Mehra, Standing Counsel
along with Inspector Malkiat Singh
and SI Manish Tyagi, PS-Anand
Parbat, for the State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

21.12.2016

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The petitioner has preferred the present writ petition to seek a direction that he be released on parole for a period of three months.

The nominal roll shows that the petitioner is convicted under Sections 308/ 342/ 34 IPC in case FIR No.145/2008 registered at PS – Anand Parbat. He was sentenced to two years Rigorous Imprisonment. His appeal has been dismissed by this Court on 26.05.2015. The petitioner has undergone 1 year, 5 months and 13 days of incarceration as on 09.12.2016 and also earned remission of 4 months and 17 days. As on 09.12.2016, the unexpired portion of the sentence was 2 months. The nominal roll further shows that the petitioner was subjected to punishment on 21.04.2016.

Mr. Akhtar has tendered in Court a status report. From the status

report, it appears that the petitioner's mother was operated at Dr. Ram Manohar Lohia Hospital on 11.05.2016. The father of the petitioner, who was also a co-accused in the present case, had applied for parole to attend to his wife, and the said application was allowed.

On a query by the Court, Mr. Akhtar states that the father of the petitioner Ram Niwas Kaushik has already surrendered at the end of the parole period.

Considering the fact that the punishment was inflicted over 6 months ago and the fact that less than 2 months of period of sentence remains to be undergone as also the fact that the petitioner's mother appears to be recuperating after her surgery, the application is allowed. The petitioner is directed to be released on parole for a period of 3 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.

VIPIN SANGHI, J

DECEMBER 21, 2016

B.S. Rohella