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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 07.01.2016

W.P.(CRL) 2781/2015

SUNIL KUMAR

..... Petitioner

Through: Ms. Saahila Lamba, Advocate

versus

STATE

..... Respondent

Through: Ms. Ashish Negi and Mr. Rohit Kaul,
Advocates for Ms. Richa Kapoor, ASC
(Criminal)

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J. (ORAL)

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 arrange funds for his family as well as to re-establish social ties with the family and with the society.
2. The petitioner is aggrieved by the order dated 30.10.2015 whereby his application for grant of parole has been rejected by the competent authority for the following reasons:-

“rejected in view of adverse police report which stated that convict is serving life imprisonment in a case of murder and there is no control over him.

He may jump the parole. As per police report, no special ground has been found to release the convict on parole. Further, the convict has last availed 01 month parole up to 07.02.15 by the order of GNCTD.

3. The reasons stated by the competent authority in the order impugned herein are without any material and contrary to record and consequently unsustainable. 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 already undergone over six and half years incarceration out of the total sentence of life imprisonment awarded to him. The overall conduct of the petitioner in jail since the inception of his incarceration has been satisfactory. The petitioner is also assisting the jail authorities as *Lungar Sahayak*.

5. It is trite to say that a person in long incarceration is entitled to be released on parole for a month in a year to re-establish social ties, for mental and physical well-being and to preserve sanity.

6. In the circumstances, I do not find any impediment in granting parole to the petitioner in order to enable him to arrange funds for his family as well as to re-establish social ties with the family and with the society. The petitioner is hereby enlarged on parole for a period of four weeks from the date of his release subject to his furnishing a personal bond in the sum of Rs.5,000/- with one surety of the like amount to the satisfaction of the Superintendent, Central Jail,

Tihar subject to the following conditions:-

- (i) During the period the petitioner remains out on parole, he shall report to the SHO, Police Station- Salaampur, District Bulandsehar, Uttar Pradesh, once a week on every Monday.
- (ii) The petitioner shall also provide the SHO, Police Station- Salaampur, District Bulandsehar, Uttar Pradesh with his mobile telephone number which he undertakes to keep operational.
- (iii) The petitioner shall not leave the jurisdiction of Police Station- Salaampur, District Bulandsehar, Uttar Pradesh during the period of parole, without the prior permission of this Court except to surrender before the jail authorities.
- (iv) The petitioner is directed to surrender before the jail authorities at the expiry of the period of parole.

7. The writ petition is allowed and disposed of accordingly.

8. A copy of this order be sent to the Superintendent, Central Jail, Tihar for necessary compliance and communication of the same to the petitioner.

SIDDHARTH MRIDUL, J

JANUARY 07, 2016
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