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

+ W.P.(CRL) 2965/2015

DEVA

..... Petitioner

Through Mr. Azhar Qayum, Advocate

versus

STATE

..... Respondent

Through Mr. Rajesh Mahajan, ASC (Crl.) with
Ms. Parul Jamwal, Advocate
SI Ramesh Kumar, P.S. Sultan Puri

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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05.01.2016

The present is a petition under Article 226 of the Constitution of India praying for a direction to the respondent to release the petitioner on parole *inter alia* in order to enable him to remain present at the time his aged mother receives her medical treatment.

The petitioner is aggrieved by the order dated 15th September, 2015 whereby his application for grant of parole on the afore-stated grounds was rejected by the competent authority for the following reasons:-

“The request in respect of convict for grant of parole on the grounds “to look after and provide medical treatment of his mother suffering from heart ailment; to re-connect social ties with his family and society” has been considered by the competent authority in the matter & **rejected** in view of adverse police report which stated that there may be an adverse affect on the victim party/witnesses and law and order situation, if the convict is released on parole. The possibility of jumping the parole and committing similar offence by the convict cannot be ruled out. Convict may jump the parole. As per police report there may be threat to life of convict if he released on parole.

Further, the convict has last availed parole for 04 weeks upto

03.01.2015 by the order of DHC and thereafter convict has availed furlough for 05 weeks including recently availed 02 weeks furlough upto 16.06.2015 by the order of DG(P).

The convict may be informed accordingly.”

The reasons given by the competent authority while rejecting the petitioner’s representation for parole are contradictory and untenable. On the one hand, it is asserted that the petitioner may jump parole and commit a similar offence, if released on parole and on the other, it is admitted that the petitioner was released on parole as well as furlough in 2015 and is not stated to have misused the liberty granted to him.

A perusal of the nominal roll qua the petitioner reveals that he has already undergone almost twelve and a half years incarceration out of the total sentence of life imprisonment. The overall jail conduct of the petitioner has been satisfactory since the beginning of his incarceration. The petitioner has been released on parole earlier by this Court and has not misused the liberty granted to him on those occasions.

In the present case, it is an admitted position that the mother of the petitioner is an elderly lady and requires constant medical attention *albeit* without requiring any surgery.

It is trite to state that a person in long incarceration is entitled to be released on parole in order to take care of his aged parents and to re-connect social ties with the family and society.

In the circumstances, I do not find any impediment in granting parole to the petitioner. Consequently, the petitioner is enlarged on parole for the period of four weeks from the date of his release on his furnishing a personal bond in the sum of Rs.5,000/- with one surety of the like amount to the satisfaction of the Jail Superintendent subject to the following conditions:-

- (1) The petitioner shall report to SHO, Police Station- Sultan Puri, Delhi once week on every Thursday during the period of parole.

- (2) He shall furnish his mobile telephone number, which he undertakes to keep operational, to the concerned SHO.
- (3) He shall not leave the National Capital Territory of Delhi without prior permission of the court.
- (4) Lastly, the petitioner shall surrender before the jail authorities at the expiry of the period of parole.

With the above said directions the writ petition is allowed and disposed of accordingly.

A copy of this order be sent to the Jail Superintendent to be communicated to the petitioner.

Dasti.

SIDDHARTH MRIDUL, J

JANUARY 05, 2016
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