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

+ **W.P.(CRL) 3060/2015**

ANIL

..... Petitioner

Through: Mr.Harish Kohli & Mr.Rohit Singh,
Advocates

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Ms.Richa Kapoor, ASC for the State
with Mr.Ashish Negi & Mr.Rohit
Kaul, Advocates with SI Manoj
Dahiya PS Punjabi Bagh

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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12.01.2016

CRL.M.A.18796/2015

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 3060/2015

1. By way of this writ petition filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C., petitioner is seeking parole for re-establishing social ties with the family and society.
2. Status report has been filed by the State.
3. Heard.
4. As per the nominal roll the appellant has been sentenced to life imprisonment and as on 8th January, 2016, he has undergone sentence of 8

years 10 months and 22 days period.

5. Earlier the W.P.(Crl.) 525/2015 filed by the petitioner for seeking parole has been dismissed by this Court on 20th July, 2015 recording the following reasons:-

“Mr. Avi Singh, learned Additional Standing Counsel (Criminal) states that the present petitioner has been convicted on account of having murdered the victim who was found in a vehicle along with his sister. Mr. Avi Singh further states that whilst on interim bail, a co-accused namely Satyawar @ Sonu, the brother of the petitioner absconded and committed murder of the brother of the deceased victim. The said co-accused Satyawar @ Sonu is still at large and was declared proclaimed offender in both cases.

Another co-accused of the petitioner namely Deepak had absconded after getting interim bail from the Trial Court and was declared proclaimed offender. Later he was arrested by police of Police Station Lodhi Colony and convicted for life imprisonment. The sentence imposed on the said co-accused Deepak was confirmed by this Court. However, the said co-accused Deepak, who was released on bail by the competent authority for one month, has jumped parole and absconded. The said co-accused Deepak is a cousin of the petitioner. Another co-accused of the petitioner namely Surinder @ Kaira, who was also granted parole for one month by this Court, is reported to have jumped parole and is absconding. It is, therefore, observed that there is a serious threat to the life of the complainant who had deposed against the petitioner and other co-accused before the trial court.

In view of the above, I do not think it appropriate to release the petitioner on parole on the aforementioned grounds.

The writ petition is dismissed.”

6. Ms.Richa Kapoor, ASC for the State submits that there is serious threat to the life of the complainant and other family member for the reasons which have been noted down by this Court while disposing of the W.P.(Crl.) 525/2015.

7. On behalf of the petitioner it has been submitted that the petitioner has been released on parole once and he did not misuse his liberty.

8. However, column no.17 of the nominal roll placed on record reads as under:-

17.	Details of I/BAIL/PAROLE/FURLOUGH AWAILED	NIL
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9. Considering the apprehension expressed by the State on the basis of the record that not only some of the convicts have absconded while on parole, one of the convict while released on interim bail, committed murder of the brother of the deceased victim, I do not find it to be a fit case to enlarge the petitioner on parole.

10. The petition is dismissed.

PRATIBHA RANI, J.

JANUARY 12, 2016

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