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

+ W.P.(CRL) 21/2016

NADEEM @ CHIKNA

..... Petitioner

Through: Mr Aditya Vikram, Advocate.

versus

STATE

..... Respondent

Through: Mr Avi Singh, Addl. Standing Counsel
(Crl.) with Insp. Mohinder, PS- Gandhi
Nagar.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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08.01.2016

The present is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 seeking a direction to the respondent to release the petitioner on parole on the ground “to spend some time with her only minor daughter and old aged mother-in-law; to maintain social and family ties”.

The petitioner is aggrieved by the order dated 26.11.2015 whereby his application for grant of parole on the above stated grounds has been rejected by the competent authority for the following reasons:-

“**rejected** in view of adverse police report which stated that the grounds are not found genuine. There may be possibility of law and order and security problem in the area and negative impact on the victim party/witnesses of the case. The convict may harm the victim and witnesses. Police has expressed their apprehension that he may jump the parole and commit similar offence.

Further, the convict has last availed 04 weeks parole w.e.f. 10.12.14 to 07.01.15 by the order of DHC.”

The reasons stated by the competent authority in the order impugned herein are unsustainable for the reason that the petitioner was enlarged on parole

earlier by this court w.e.f. 10.12.2014 to 07.01.2015 and is not stated to have misused the liberty granted to him.

A perusal of the nominal roll qua the petitioner reveals that the latter's conduct in jail has been satisfactory for the past one year. As a matter of fact, the petitioner assists the jail authorities as a Sahayak satisfactorily

It is trite to state that a person in long incarceration is entitled to parole in order to re-establish social and family ties and for his mental and physical well-being.

In view of the foregoing, I see no impediment in allowing the present petition. Consequently, the petitioner is enlarged on parole for a 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- Gandhi Nagar once week on every Tuesday during the period of parole.
- (2) He shall furnish his mobile telephone, 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 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.

SIDDHARTH MRIDUL, J

JANUARY 08, 2016/mk