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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 04.04.2016

W.P.(CRL) 18/2016

VINOD SINGH

..... Petitioner

Through: Mr. Neeraj Bhardwaj, Adv.

versus

STATE

..... Respondent

Through: Mr. Ashish Aggarwal, Addl. Standing
Counsel (Crl.).

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 re-establish social ties with family and society.

2. The petitioner is aggrieved by the order dated 09.12.2015 whereby his representation for grant of parole on the above stated grounds was rejected by the Competent Authority for the following reasons:-

“.....not agreed to in view of the following:

- (i) The convict is not entitled for parole in view of Para 11.5 of parole/Furlough Guidelines:2010 which provides that “a minimum of six months ought to have

elapsed from the date of termination of the previous parole' as the convict has last availed one month Parole w.e.f. 26.06.15 to 25.07.15 by the order DHC.

- (ii) In the absence of requisite police verification report regarding verification of address and ground taken by the convict from concerned police authority i.e. from DCP, District East, Delhi, and SHO, PS, Geeta Colony, which could not be obtained despite several requests.”

3. The reasons stated by the competent authority whilst rejecting the petitioner's representation for parole in the order impugned herein cannot be sustained in view of the circumstance that the petitioner cannot be visited with the consequences of the apathy of the administration in conducting police verification. Even otherwise, the applicability of Para 11.5 of the Parole/Furlough Guidelines: 2010 is no longer relevant since the petitioner was last released on parole upto 25.07.2015 and the requisite period of six months has since elapsed.

4. It is urged on behalf of the official respondent that the petitioner has already undergone four and half years of incarceration out of sentence of five years awarded to him by the Trial Court. The petitioner has been assisting the jail authorities as a Sahayak and his work is stated to be satisfactory. The petitioner has been released on parole earlier by this Court and is not stated to have misused the liberty granted to him.

5. It is trite to say that it is the constitutional right of every convict to be released on parole in order to re-establish social and family ties and for his mental and physical well-being.

6. 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:-

- (i) During the period the petitioner remains out on parole, he shall report to the SHO, Police Station- Geeta Colony, Delhi, once a week on every Thursday.
- (ii) The petitioner shall also provide the SHO, Police Station-Geeta Colony, Delhi with his mobile telephone number which he undertakes to keep operational.
- (iii) The petitioner shall not leave the National Capital Territory of Delhi during the period of parole, without the prior permission of this Court.
- (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 Jail Superintendent, Tihar for necessary information and compliance and to be communicated to the petitioner.

SIDDHARTH MRIDUL, J

APRIL 04, 2016

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