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

+ W.P.(CRL) 276/2017

RANJEET MUKHIYA

..... Petitioner

Through: Ms.Divya Chugh proxy counsel for
Mr. Ajay Verma, Advocate

versus

STATE

.... Respondent

Through: Mr. Rahul Mehra, Standing Counsel
(Crl.) with SI Uday Singh, PS
Bawana.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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19.04.2017

The petitioner stood trial in the Sessions Case no.116/2014 arising out of the report submitted on conclusion of the investigation into FIR No.363/2013 of Police Station Bawana and was convicted by the Sessions Court for offence punishable under Section 302 IPC and was sentenced to undergo rigorous imprisonment for life with fine of Rs.5,000/- by the judgment and order dated 18.09.2015. The said judgment and order were challenged unsuccessfully as his Criminal Appeal No.143/2016 was dismissed by this court on 15.03.2016.

As per the nominal roll dated 16.12.2016, the petitioner has remained in custody for more than three years. The conduct of the petitioner in the jail is reported to be satisfactory. The grounds on which he prayed for release on parole, as submitted to the Government on 24.08.2016 were to pursue the filing of special leave petition to appeal in the Supreme Court of India and to arrange monetary resources for the purposes and also to reconnect family liaison and re-establish social ties.

The petition was filed in the last week of January, 2017 by then the Government had not yet taken decision on the request of the petitioner for release of parole. It is submitted at the hearing today that the said request was rejected by the Lieutenant Governor, Govt. of NCT of Delhi on 27.01.2017 since the necessary verification from the local police in Bihar, the petitioner being a native of the said State, could not be obtained.

The status report filed today, in contrast, states that the inquiry has been conducted and the facts of the family of the petitioner being native of District Darbhanga, Bihar have been verified. At the hearing, the learned standing counsel (criminal) for the respondent/State submitted no objection to the prayer made in the petition being granted.

While in the facts and circumstances noted above, a case for release of parole is made out, the question would still persist as to why the concerned authorities of the Govt. of NCT of Delhi could not carry out the necessary police verification for almost five months, which is the period taken for communication of the rejection of the prayer at that end. The concerned authorities in the Govt. of NCT of Delhi hopefully would take better control in future over such processes and abide by the timelines set out in the Parole/Furlough Guidelines – 2010 adopted by it.

In the above facts and circumstances, it is a fit case where this court must exercise the discretion in favour of release of the petitioner on parole for a period of four weeks.

The petition is, thus, allowed.

The petitioner shall be released on parole for a period of four weeks, subject to he furnishing personal bond in the sum of Rs.10,000/- with one surety in like amount to the satisfaction of the Superintendent Jail on the following conditions :-

- (i). Upon arrival at the native place, as aforesaid, he shall report his arrival to the local police, handing over a copy of this order, and thereafter mark his attendance in the police station at least once a week.
- (ii). Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the jail authorities and to local police.
- (iii). During the period of his release, he shall not come in contact with or try to influence any of the witnesses of the case in which he stands convicted or the cases which are still pending against him.
- (iv). During the period of release, he shall maintain peace and be of good behaviour not involving any criminal activity.
- (v). He shall surrender immediately on expiry of the period of release.

The writ petition is disposed of in these terms.

A copy of this order shall be transmitted to the jail authorities.

Dasti.

R.K.GAUBA, J.

APRIL 19, 2017

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