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

+ **W.P.(CRL) 279/2017**

SATENDER

..... Petitioner

Through: Mr. Ajay Verma & Ms. Divya Chugh,
Advocates.

versus

STATE

..... Respondent

Through: Mr. Avi Singh, ASC along with SI
Karamvir, PS-Narela, for the State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
01.02.2017

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Mr. Singh has tendered a status report, which is taken on record.

The petitioner has preferred this petition to seek quashing of the order dated 10.11.2016, whereby the petitioner's application to seek parole has been rejected on the ground that the petitioner is involved in a heinous offence and on account of the fact that he was released on furlough for a period of two weeks up to 09.08.2016 by the order of the DG(P). Prior to that, he was released on parole for a period of four weeks up to 10.03.2016.

When the case was taken up on 27.01.2017, this Court had taken note of the fact that the petitioner had availed of three spells of furlough in the year 2016, the last being between 26.10.2016 to 09.11.2016 for a period of two weeks. He had made his application, which led to the rejection order

dated 10.11.2016 being passed, on the ground that he had to arrange funds to meet the school fee of his child, who was studying in a boarding school. It was pointed out by Mr. Singh that after he had made that application, the petitioner was released on furlough between 26.10.2016 to 09.11.2016, and therefore, he had sufficient time and opportunity to make arrangements for the school fee of the child. Moreover, the need to reconnect his social ties has also been met on account of release on furlough.

The parole guidelines were also taken note of, which lay down the circumstances in which parole may be granted. The said guidelines provide that parole may, *inter alia*, be granted on “*any other emergent circumstances*”.

Learned counsel for the petitioner submits that in the petition itself the petitioner had indicated that the minor child of the petitioner, who is presently studying at Dalhousie Public School at Dalhousie needs to be admitted to another boarding school in Class-VII since the petitioner is not able to meet the exorbitant fee charged by the said school and also Dalhousie is also far from the petitioner’s native place. Learned counsel for the petitioner submits that at this time of the year the admissions to the boarding schools take place for the new session which commences in March/ April of the year. Therefore, even if the petitioner could make arrangement of the school fee while he was released on furlough in October – November 2016, his presence is necessary to be able to shift the school of the minor child now.

Since the last parole was granted to the petitioner between 11.02.2016 and 10.03.2016, the petitioner is, therefore, entitled to parole to meet the aforesaid emergent circumstance, namely to admit the petitioner’s minor son

to another boarding school.

The petitioner is, accordingly, directed to be released on parole for a period of four weeks to meet the aforesaid exigency subject to:

- i) his furnishing personal bond with one surety in the sum of Rs.10,000/- to the satisfaction of the Jail Superintendent;
- ii) he shall provide his mobile phone number to the Jail Superintendent at the time of his release, which shall be kept in working condition at all times. The same shall not be changed without prior intimation to the Jail Superintendent;
- iii) he shall report at the local police station to mark his attendance on every Monday at 11:00 a.m. during the period of parole;
- iv) he shall duly surrender at the end of the period of parole;
- v) at the time of his surrender, the petitioner shall also submit information with regard to the change of the boarding school of the minor child; and
- vi) he shall also not indulge in any criminal activity while on parole.

The order be communicated to the Jail Superintendent.

VIPIN SANGHI, J

FEBRUARY 01, 2017

B.S. Rohella