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

+ W.P.(CRL) 327/2017

YOGENDER @ RINKU Petitioner
Through: Mr. Vineet Malhotra, Advocate

versus

THE STATE (NCT OF DELHI) Respondent
Through: Mr. Avi Singh, ASC with Ms. Megha,
Advocate

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **26.05.2017**

As per the nominal roll dated 31.03.2017, the petitioner has been in jail for over five years nine months pursuant to the conviction recorded and he being sentenced to rigorous imprisonment for ten years with fine, *inter alia*, for offence under Section 304 B IPC in case FIR no.194/2011 of police station Kalyan Puri. The criminal appeal no.1051/2013 filed by him was dismissed by this court on 23.08.2016.

The State has rejected the request for release on parole on the ground that there is a possibility of law and order problem erupting or the petitioner harming the victim party or witnesses and further that the possibility of committing similar offences cannot be ruled out.

On being asked, the learned additional standing counsel concedes that there is nothing available to indicate that the petitioner has again married. In this view, one wonders what kind of report was

made to and acted upon by the competent authority in the State. Such mechanical rejection by the executive branch cannot be approved of.

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In the facts and circumstances set out above, case for release on parole for a period of four weeks is made out. Granted accordingly subject to the following conditions:-

- (i). He shall furnish a personal bond in the sum of Rs.10,000/- with one surety in like amount to the satisfaction of the Superintendent Jail.
- (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 parole, he shall report to the SHO of the concerned police station once a week on every Saturday.
- (iv). 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.
- (v). During the period of release, he shall maintain peace and be of good behaviour not involving in any criminal activity.
- (vi). He shall not leave the National Capital Territory of Delhi during the period of parole, without prior permission of this court.
- (vii). He shall surrender before the jail authorities on the expiry of the period of parole.

The writ petition is disposed of in these terms.

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

Dasti.

MAY 26, 2017
Yg
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R.K.GAUBA, J

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