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

+ W.P.(CRL) 1200/2017

KIRAN

..... Petitioner

Through: Mr. Sunil Mehta, Advocate

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Rajesh Mahajan ASC for the
State with Mr. Lokesh Chandra, Adv.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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26.04.2017

1. Status report has been filed.
2. The petitioner stood trial in criminal case arising out of the FIR No.298/2011 of Police Station Crime Branch, Delhi for offence punishable under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS) and by judgment and order on sentence dated 04.04.2013 of the court of Special Judge stood convicted and awarded sentence of rigorous imprisonment for ten years with fine of Rs.1 lacs. Her criminal appeal No.85/2013 was dismissed by this court by order dated 14.10.2015. As per the nominal roll, she has already suffered incarceration for over five years. Her conduct in the jail is reported to be satisfactory.
3. The petitioner had applied for release on parole on 14.03.2017, *inter alia*, on the ground that her son was unwell. The said application has remained pending with the State Government. In the meantime, her son died

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on 19.04.2017. By the present petition, she seeks release on parole for a period of four weeks to perform the last rites and ceremonies of her deceased son. The status report confirms the address given to have been properly verified. It also confirms that her son Ravi had died on 19.04.2017. The only ground on which the prayer is opposed is the huge recovery of *heroin* which was effected from her possession.

4. In the given facts and circumstances, a case for release on parole for a period of four weeks has been made out. Petition is granted accordingly, subject to the following conditions:-

- (i). She shall furnish 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 her release, she shall give the telephone numbers of herself 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, she shall report to the SHO of the concerned police station once a week on every Saturday.
- (iv). During the period of her release, she shall not come in contact with or try to influence any of the witnesses of the case in which she stands convicted or the cases which may still be pending against her.
- (v). During the period of release, she shall maintain peace and be of good behaviour not involving in any criminal activity.

- (vi). She shall not leave the National Capital Territory of Delhi during the period of parole, without prior permission of this court.
- (vii). She shall surrender before the jail authorities on the expiry of the period of parole.
- 5. The writ petition is disposed of in these terms.
- 6. A copy of this order shall be transmitted to the jail authorities.
- 7. *Dasti.*

APRIL 26, 2017
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R.K.GAUBA, J.