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

+ W.P.(CRL) 1809/2017

SANJIV KUMAR Petitioner

Through: Petitioner in person.

versus

STATE (NCT OF DELHI) Respondent

Through: Mr.R.S.Kundu, ASC.

SI Manish Yadav, P.S.Vasant Kunj (N)

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **04.07.2017**

CrI.M.A.9974/2017

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(CRL) 1809/2017 & CrI.M.A.10140/2017

The present writ petition has been filed for extension/modification of the original order dated 02.03.2017 which was passed by the competent authority whereby the petitioner was released on parole for a period of two weeks. Pursuant to the aforesaid order of the competent authority, the petitioner was released on parole on 16.05.2017.

In the meantime, the petitioner further applied for extension of the aforesaid parole on the ground that he was required to make arrangements for getting his daughter married. Since the request for extension of the parole was not responded to, the petitioner approached this Court vide

W.P(Crl.) No.1636/2017. Taking into account the aforesaid facts as also an additional ground that the wife of the petitioner was suffering from an autoimmune disease (SLE), this Court by order dated 26.05.2017 extended the parole of the petitioner for a further period of two weeks, to be counted from 31.05.2017, the date on which the earlier parole period expired.

This Court has also taken into account the fact that out of conviction and sentence for a period of 10 years, the petitioner has remained in jail for 5 years.

It has been submitted that as ill luck would have it, the petitioner was not successful in getting his daughter married and his father suffered a heart attack. Thereafter when the father of the petitioner responded to the medicines for his heart ailment, he was diagnosed with pancreatic cancer. Seeing the aforesaid condition of the father of the petitioner, a bench of this Court vide order dated 14.06.2017 further extended the period of parole till 28.06.2017 but subject to the same conditions which were imposed by the earlier order granting extension of parole. Later, by order dated 28.06.2017, the parole was extended on the same conditions till the next date of hearing i.e. today.

The petitioner, who appears in person, has drawn the attention of this Court to CM No.10140/2017 which inter-alia states that the father of the petitioner is 89 years of age and has been suffering from cancer of pancreas. It has further been submitted that 3 litres of ascitic fluid was taken out of the stomach of his father on 20.06.2017. The cancer in the pancreas has spread extensively and as submitted by the petitioner, his father is only counting his last days.

Mr.R.S.Kundu, learned Additional Standing Counsel has filed a status report today in the Court. The same is taken on record.

The status report reveals that the father of the petitioner was admitted in hospital on 25.06.2017 with complaint of gradual increase in swelling over lower limbs and reduced urine output. The father of the petitioner, according to the status report, was diagnosed with moderate LV Dysfunction, systemic hypertension, hypothyroidism, CA Pancreas with exudative ascitis with splenic vein thrombosis coupled with urinary tract infection. The father of the petitioner was discharged under stable condition on 30.06.2017.

The petitioner has emphasised that only because the condition of his father was apparently found to be stable that he was discharged from the hospital. Nonetheless the cancer has spread extensively in his body and there is no way in which the father of the petitioner would survive for long. The original ground on which the competent authority had granted parole to the petitioner i.e. for fixing the marriage of his daughter also could not fructify. Be that as it may, the petitioner assures this Court that after this extension, he would not take either of these grounds for seeking a further extension of his parole.

The petitioner has also drawn the attention of this Court to the guidelines governing the grant of parole and furlough to a convict. Clause 14 of the guidelines states that the period of release on parole would normally not exceed one month at a time except in special circumstances to be mentioned in the order granting parole. The petitioner was originally, as stated above, was granted parole on 16.05.2017. For the special reasons which have been listed above, the two months would expire on 16.07.2017.

Taking into account the aforesaid facts, this Court feels inclined at this stage to extend the parole period of the petitioner till 16.07.2017. The petitioner shall positively surrender in the forenoon of 17.07.2017 before the concerned jail. His not doing so in any circumstance would be viewed seriously and the petitioner would be taken in custody instantaneously. The petitioner would be subject to the same conditions which were imposed on him by earlier orders granting parole/extension of parole.

The order be communicated forthwith to the Superintendent of the concerned jail for compliance and needful.

If the petitioner does not surrender on 17.07.2017 in the forenoon, it would be open for the State to file a two pages petition before this Court to have the matter reopened for necessary orders in this regard.

The petition is disposed of.

ASHUTOSH KUMAR, J

JULY 04, 2017

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