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

+ W.P.(CRL) 3208/2016

AJAY KUMAR SHARMA Petitioner

Through Mr. Anurag Jain, Adv.

versus

STATE Respondent

Through Mr. Avi Singh, ASC with Ms. Anya Singh, Adv.
Mr. J.C. Mahindro, Adv. for Mr. Amit Saxena, Adv.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **18.04.2017**

The prayer of the petitioner to be released on parole has been rejected by the competent authority by order dated 30.09.2016.

The order reveals that the privilege was declined primarily on the ground of adverse police report against the petitioner and that his conduct in prison was not uniformly good.

The learned counsel for the petitioner submits that he has been convicted under Sections 392/397/411/34 of the IPC and has been sentenced to undergo RI for 7 years as maximum punishment against some of the offences. It is further submitted that the petitioner has remained in jail by now for about 5 years including remission.

The nominal roll dated 17.10.2016 reveals that the petitioner was punished on 16.12.2014 and 22.04.2016. No punishment has been given

after that. The petitioner was earlier released on interim bail from 05.06.2015 to 25.06.2015 by the order of High Court.

The learned counsel for the petitioner submits that he has old parents and two unmarried brothers and he requires to reconnect his social ties with them. The other ground for preferring the application seeking parole is for filing SLP against the dismissal of criminal appeal preferred against the conviction. The brother of the petitioner is also getting married on 29.04.2017.

The grant of parole which is essentially an executive function is based on the principle of welfare of jailed persons who are also part of the society. True it is that guidelines regarding release of the persons on parole require him to have good conduct uniformly in jail and unfortunately the petitioner stood punished on two occasions. However, the petitioner, with reference to the nominal roll, submits that ever since the second punishment given to him in the month of April 2016, he has not been found violating any one of the jail rules and has not been punished thereafter. He further submits that during the period he was on interim bail granted by the High Court, no untoward incident was reported and the petitioner promptly surrendered before the jail authorities on expiry of the period of interim bail.

Considering the fact that the petitioner has remained in jail for about 5 years and that his conduct has not been bad for about one year in recent past, this Court is inclined to grant parole to the petitioner for a period of four weeks to be counted from the date of his release.

Let the petitioner be released on parole on his furnishing a bond in the sum of Rs.10,000/- with one surety of like amount, to the satisfaction of the Trial Court. The petitioner would be required to give an undertaking before

the Trial Court that during the period of his parole, he shall not involve himself in any unlawful activity and shall not leave the confines of the territory of NCT of Delhi without prior permission and intimation to the officer incharge of the concerned police station. The petitioner shall also furnish his mobile telephone number and the mobile telephone number of his surety before the court which shall be communicated to the officer incharge by the concerned police station. The petitioner, during the parole, shall not make any attempt to interact with the informant or any person who would normally be interested in his prosecution and conviction.

In case the petitioner attempts and breaches any one of the conditions, it would be open for the state to approach the Trial Court for taking all necessary coercive steps to take him into custody forthwith.

The petition stands disposed of.

Order dasti.

ASHUTOSH KUMAR, J

APRIL 18, 2017

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