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

+ W.P.(CRL) 3401/2016

PRAVEEN KUMAR

..... Petitioner

Through: Mr. Ashim Shredhar, Adv.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Dr. M.P. Singh, APP for Ms. Nandita
Rao, ASC
Si Puneet Khatri, P.S. Sultan Puri

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **24.05.2017**

The petitioner had represented before the competent authority for being released on parole for the purposes of looking after and providing medical treatment to his old father and for reconnecting social ties, which request was rejected by the order dated 13.10.2016. The conduct of the petitioner in jail and the fact that he had jumped the furlough bond weighed with the competent authority in rejecting the request of the petitioner. Adverse police report was also cited as one of the reasons for not according the privilege to the petitioner.

Learned counsel for the petitioner has drawn the attention of this court to the nominal roll which indicates that the petitioner has been granted parole and furlough a number of times by this court as also by the competent authority. He has by now remained in jail for about 12½ years. He has been

convicted under Sections 302/34 of the IPC and has been sentenced to undergo RI for life, fine of Rs.5,000/- and in default of payment of fine a further SI for 3 years. The conduct of the petitioner is not shown to be good as he was punished for having surrendered before the jail authorities two weeks later than required. There is no other material available on record so as to justify the assumption of the competent authority that the release of the petitioner would cause harm to the victim party even if the victim party is living in the same locality.

From the record, it appears that the petitioner was granted parole for a month by the competent authority till 03.09.2015 and was granted furlough for 2 weeks upto 30.03.2016. Instead of surrendering on time i.e. on 31.03.2016, the petitioner surrendered on 18.04.2016. For the aforesaid fact, he was punished by the learned Magistrate on his pleading guilty.

Taking into account the period of custody and the fact that the petitioner was earlier granted parole and furlough and except for one or two occasions, he has not breached any one of the conditions imposed on him, this court is inclined to release the petitioner on parole for a specified period.

Let the petitioner be released on parole, for a period of four weeks, to be counted from the date of his release, on his furnishing a bond in the sum of Rs.10,000/- with one surety of the like amount, to the satisfaction of the Superintendent of the concerned jail.

The petitioner shall abide by the conditions listed below:-

- a) The petitioner shall surrender before the jail authorities on or before the expiry of the said period of parole.
- b) The petitioner shall not engage himself in any unlawful activity.
- c) The petitioner would not leave, under any circumstance, the

National Capital Territory of Delhi, without seeking permission of the officer-in-charge of the concerned police station.

- d) He shall furnish his and his surety's mobile telephone numbers to the SHO of the concerned police station so that in case of necessity he could be tracked and his whereabouts could be ascertained.

In case, the petitioner flouts any one of the conditions, an application could be moved by the SHO for cancellation of his parole and for taking of coercive steps for securing his attendance.

With these observations, the petition is disposed of.

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

ASHUTOSH KUMAR, J

MAY 24, 2017

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