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

+ W.P.(CRL) 3565/2016

KRISHAN KUMAR @ MONU Petitioner

Through: Mr. Govil Upadhyaya, Adv.

versus

STATE Respondent

Through: Mr. Rajesh Mahajan, ASC with Mr.
Peeyush Bhatia, Adv for State

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

10.02.2017

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The petitioner has preferred this petition to assail the order dated 04.11.2016 rejecting his application to seek parole on the ground that the reasons for seeking parole are not genuine. There are other generalised grounds cited in the order, which appears to be not on concrete basis.

The status report tendered in court is taken on record.

I may observe that though the petitioner was convicted and awarded life sentence in case FIR 31/2010 under Section 302/201/34 IPC by the Trial Court, this court, in appeal, converted the same to a conviction under Section 304(1) IPC, and thereby reduced the sentence to 10 years rigorous imprisonment.

The petitioner has undergone 6 years 8 months and 14 days incarceration as on 09.02.2017 apart from earning remission of 1 year 10 months and 19 days.

The petitioner has time and time been released on parole/ furlough.

The last liberty granted to the petitioner was by way of furlough for two weeks w.e.f. 16.07.2016 to 31.07.2016.

The petitioner is seeking parole on the ground of treatment of his ailing mother, to fill up the requisite form for IGNOU and also to search a suitable bride for himself.

Looking to the aforesaid circumstances, in my view, the rejection of the petitioner's application is not justified. Accordingly, the petition is allowed.

In these circumstances, the petitioner is directed to be released on parole for a period of four weeks subject to:

- i) his furnishing personal bond with one surety in the sum of Rs10,000/- to the satisfaction of the Jail Superintendent;
- ii) he shall provide his mobile phone number to the Jail Superintendent at the time of his release, which shall be kept in working condition at all times. The same shall not be changed without prior intimation to the Jail Superintendent;
- iii) he shall report at the local police station to mark his attendance on every Monday at 11:00 a.m. during the period of parole;
- iv) he shall duly surrender at the end of the period of parole; and
- v) he shall also not indulge in any criminal activity while on parole.

VIPIN SANGHI, J

FEBRUARY 10, 2017

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