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

+ **W.P.(CRL) 3563/2016**

RAHUL

..... Petitioner

Through: Mr. Suman Chauhan, Advocate

versus

STATE

..... Respondent

Through: Mr. Avi Singh, ASC for Ms. Nandita
Rao, ASC

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

08.02.2017

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Issue notice. Notice is accepted on behalf of the State. The petitioner has preferred this petition to seek parole so as to be able to prefer a SLP against the judgment of this court dismissing his appeal on 21.03.2016. The petitioner stands convicted in case FIR 201/2010 u/s 397/411/34 IPC and section 25 and 27 of the Arms Act registered at PS Jafrabad. The petitioner is undergoing 7 years rigorous imprisonment with fine. The nominal roll shows that the petitioner has undergone over 2 years and 10 months incarceration as on date and also earned remission of 7 months and 21 days. The jail conduct of the petitioner is found to be satisfactory.

The reason for rejection of the petitioner's parole is stated to be absence of police verification report regarding his address. This court finds that this is a very casual and usual ground for rejection of the parole/ furlough application being taken by the State, which cannot be appreciated.

I may also take note of guideline 16.10 of the parole/ furlough guidelines notified on 17.02.2010 by the GNCTD. This guideline provides that if no report is received by the Superintendent of Jail within the period specified, it shall be presumed that the concerned police authority have no objection to parole being granted. Thus, the ground for rejection of the parole application is contrary to the aforesaid guidelines.

In any event, as per the status report brought on record, it is clear that the petitioner's address has been got verified. The petitioner's father has been found to be residing in the given address as a tenant for 15 years.

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 Rs.10,000/- 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 08, 2017

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