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

+ W.P.(CRL) 2354/2017

VINAY @ RAJA

..... Petitioner

Through Mr. Sumeet Verma with Mr. Aman
Choudhary, Advocates

versus

STATE

..... Respondent

Through Mr. R.S. Kundu, ASC for Ms. Kamna
Vohra, ASC for State.
SI Govind Singh, P.S. Uttam Nagar.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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13.11.2017

The petitioner had requested for being released on parole for reconnecting social ties but such a request was not acceded to by the competent authority.

By order dated 05.07.2017, the aforesaid request was rejected on the ground that on earlier occasion when the petitioner was released on parole, he jumped the bond and had to be re-arrested. The other ground which has weighed with the competent authority is the tainted background of the petitioner. The police, on verification is said to have reported that there is an apprehension that the petitioner may not surrender once he is released on parole. The fact that the petitioner has not shown good conduct in jail has also been taken into account by the competent authority.

Mr. Kundu, learned ASC has submitted that while the petitioner was

undergoing sentence in the present case, he committed another offence while he was out of jail on parole.

Mr. Sumeet Verma, learned advocate appearing for petitioner, has however drawn the attention of this Court to the nominal roll which indicates that the petitioner has been convicted under Sections 364A/34 IPC and has been sentenced to undergo RI for life and to pay a fine of R. 5,000 and in the default of payment of fine, further to suffer simple imprisonment for three months. He has further shown from the nominal roll that the petitioner has remained in jail for more than 15 years. He was granted parole from 24.12.2011 to 24.01.2012 by the orders of the GNCTD. On the other occasion, when he was granted parole from 16.11.2012 to 16.12.2012 by the orders of the GNCTD, the petitioner did not surrender on time and had to be re-arrested on 13.09.2013.

Mr. Verma has informed this Court that thereafter, the petitioner has never been released on parole.

With respect to another case in which the petitioner was made on accused while he was on parole, it has been submitted that the aforesaid case has ended in acquittal.

The conduct of the petitioner in jail for the last one year has been satisfactory. The overall conduct is not rated to be satisfactory for the reason that in the year 2015, twice, he was punished for jail offence for keeping prohibited articles with him.

The address of the petitioner has been verified and has been found to be existing. The petitioner is also ready to offer two sureties, one of whom would be a relative of his.

Taking into account the fact that the petitioner has not been released

on parole since September 2013, and has remained in jail for more than 15 years, this Court is inclined to grant parole to the petitioner for a period of four weeks.

The petitioner is directed to be released on parole for a period of four weeks, to be counted from the date of release, on his furnishing a bond in the sum of Rs. 25,000 with two sureties of like amount, one of whom will be a close family relative, to the satisfaction of the superintendent of the concerned jail.

The petitioner shall be required to follow the conditions enumerated 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 Region of Delhi without intimating the official concerned of the concerned Police Station in advance.
- 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.
- e) The petitioner shall get his presence marked every week, preferably on Mondays by the SHO, Uttam Nagar, Police Station, in case he resides in Delhi along with his brother or by the SHO of the concerned police station at Sakra in the district of Muzzafarpur, if he visits his hometown. He shall inform about his arrival to the officer-in-charge of the Sakra police station in the

state of Muzzafarpur.

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

NOVEMBER 13, 2017
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