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

+ W.P.(CRL) 2513/2017

CHANDAN KUMAR Petitioner

Through Mr. Imran Khan, Adv.

versus

STATE Respondent

Through Mr. Sanjay Lao, ASC with Mr.
Siddharth Sindhu, Adv.
SI Dharmendra Pratap Singh, P.S.
Samaipur Badli

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **31.10.2017**

The petitioner is aggrieved by the order dated 08.08.2017 passed by the competent authority whereby his prayer for being released on parole for the purposes of taking care of his ailing mother, who is suffering from Cancer and for maintaining social ties, has been rejected.

The grounds cited in the order impugned are that the petitioner is a habitual offender and that his overall conduct in jail has been unsatisfactory. The fact that the petitioner has a brother and sister who can take care of his mother has also weighed with the competent authority for rejecting his prayer for parole.

Learned counsel for the petitioner has drawn the attention of this court to the nominal roll which indicates that the petitioner has been convicted under Section 397 r/w Section 394 of the IPC and has been sentenced to

undergo RI for 7 years, fine of Rs.2,000/- and in default, to suffer further RI for one month. The petitioner has remained in jail for about 3 years by now and his jail conduct for the last one year has been satisfactory. The overall jail conduct has been shown to be unsatisfactory because of punishment meted out by him on 09.02.2015 and 03.03.2015. Learned counsel for the petitioner has however, stated that whatever jail offence has been committed by him was two years ago and ever since then, he has displayed good conduct in jail. The petitioner has also been granted interim bail by orders of this court and on no occasion anything adverse was reported against him.

Mr. Siddarth Sindhu, proxy to Mr. Sanjay Lao, learned ASC has filed the status report. The same is taken on record. The address of the petitioner has been verified and has been found to be correct and existing.

Taking into account the aforesaid facts, this court is inclined to release the petitioner on parole for a specified period.

The petitioner is directed to be released on parole for a period of four weeks, to be counted from the date of his release, subject to his furnishing bond in the sum of Rs.5,000/- with one surety of the like amount to the satisfaction of the superintendent of the concerned jail.

The petitioner shall, however, abide by the conditions listed below:-

- j) The petitioner shall surrender before the jail authorities on or before the end of the said period of parole.
- k) The petitioner shall not engage himself in any unlawful activity.
- l) The petitioner would not leave the National Capital Region of Delhi, without intimating the officer-in-charge of the concerned police station.
- m) 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.

Dasti.

ASHUTOSH KUMAR, J

OCTOBER 31, 2017

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