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

+ **W.P.(CRL) 3008/2017**

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..... Petitioner

Through: Mr. Tarun Khanna and Ms. Saahila
Lamba, Advocates.

Versus

STATE

..... Respondent

Through: Mr. Jamal Akhtar, Mr. Prashant and
Mr. Chaitanya, Advs. for Mr. Rahul
Mehra, Standing Counsel (Crl.) for
State with SI Ravi Shankar, P.S.
Saket.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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28.11.2017

The petitioner seeks parole for a period of three months for maintaining the family and social ties. He has been convicted for three years, of which the unexpired incarceration period remains 11 months and 14 days as of 07.10.2017. Effectively, the said period is now approximately nine months or so. His address has been verified as House No. 19/1, Block-A, Sangam Vihar, Delhi.

The parole is opposed on the ground that the petitioner's conduct has been unsatisfactory as a prisoner because as a convict he has been awarded sentence thrice as under:-

1. Punishment, dt: 25.10.2016 (Possessing & trading prohibited article in jail)

2. Punishment, dt: 14.12.2016 (Recovered of prohibited article in jail)
3. Punishment dt: 20.04.2017 (Physically assault & illegal dealing by using smart card).

The learned counsel for the respondent submits that parole guidelines do not permit the release of the petitioner whose conduct in jail is not good. He relies upon para 12 of the said guidelines, which read as under:-

“12. The following prisoners/convicts would not be eligible for being released on parole:-

12.1 Convicts whose release on parole is considered dangerous or a threat to national security or there exists any other reasonable ground such as a pending investigation in a case involving serious crime;

12.2 Prisoners who have been involved in crimes and offences against the State, like sedition or who have been found to be instigating serious violation of prison discipline;

12.3 Prisoners who have escaped from jail;

12.4 The prisoner is not a citizen of India;

12.5 In the following cases, parole would ordinarily be not granted except, if in the discretion of the competent authority special circumstances exist for grant of parole;

(a) If the prisoner is convicted of murder after rape;

(b) If the prisoner is convicted for murder and rape of children;

(c) If prisoner is convicted for multiple murders.”

The Court would note that the said punishments were given for the

petitioner's conduct between 25.10.2016 to 20.04.2017 i.e. a span of approximately 5 ½ months. Thereafter, his conduct for the past seven months is otherwise satisfactory since the Nominal Role is silent for the subsequent period. Furthermore, the present petitioner is not involved in crimes and offences against the State, like sedition or one who have been found to be instigating serious violation of prison discipline. In the circumstances, a case is made out for grant of parole

Consequently, the petitioner is enlarged on parole for a period of three weeks from the date of his release on his furnishing a personal bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the Jail Superintendent concerned, subject to the following conditions:-

- (1) the petitioner shall report to the SHO concerned, Police Station Saket, New Delhi, once a week on every Tuesday during the period of parole;
- (2) the petitioner shall furnish his mobile telephone number to the SHO concerned, which shall be kept operational at all times,;
- (3) the petitioner shall not leave the territory of NCT of Delhi; and
- (4) the petitioner shall surrender before the jail authorities at the expiry of the period of parole.

With the above directions the writ petition is disposed off.

A copy of this order be given *dasti* to the learned counsel for the parties.

NAJMI WAZIRI, J.

NOVEMBER 28, 2017

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