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

W.P.(CRL) 1212/2018

RAVI KAPOOR

..... Petitioner

Through: Ms. Dimple Vivek, Advocate.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Ms. Manjeet Arya, APP for the State with
Inspector Pramveer Dahiya, PS-Vasant Vihar.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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11.06.2018

Crl. M. A. No. 7388/2018 (Exemption)

Exemption allowed, subject to just exceptions.

Application stands disposed of.

W. P. (Crl.) No. 1212/2018

The present petition has been filed by the petitioner *inter alia* praying for issuance of writ of mandamus granting parole to the petitioner for a period of three months for filing SLP before the Supreme Court of India and for his medical treatment and reconnect & re-establish social ties.

Status report has been filed by the State.

Perusal of the nominal roll of the petitioner shows that he is undergoing life imprisonment for the offences under Section 302 IPC with fine of Rs.20,000/-, life imprisonment for the offence under Section 364 IPC with fine of Rs.10,000/-, life imprisonment for the offence under Section 394 IPC with fine of Rs.50,000/-, 7 years simple imprisonment for the offence under Section 201 IPC with fine of Rs.10,000/-,

7 years simple imprisonment for offence under Section 468 IPC with fine of Rs.20,000/-, 2 years simple imprisonment for the offence under Section 471 IPC, 1 year simple imprisonment for the offence under Section 482 IPC and 1 year simple imprisonment for the offence under Section 25 Arms Act with fine of Rs.10,000/- in case FIR No. 69/2009 under Section 302/201/364/394/468/471/482/120B/34 IPC & 25/54/59 Arms Act registered at Police Station – Vasant Vihar.

The petitioner has already undergone 09 years 01 month and 26 days of incarceration as on 19.05.2018. The jail conduct of the petitioner has been found to be unsatisfactory in view of jail punishment dated 28.06.2017 and 29.08.2017.

The status report dated 17.05.2018 filed by the State goes to show that the address provided by the petitioner has been verified to the extent that the father of the petitioner is residing at the given address i.e. H. No. 79, Aya Nagar Near Arjan Garh Metro Station, New Delhi and sister of the petitioner is residing at House No. 282, Near Choupal, mahi Pal Pur, New Delhi.

Learned APP for the State opposed the grant of parole to the petitioner contending that presently the petitioner is facing trial in four cases whereas he has also been convicted in two cases. This conduct of the petitioner was found to be unsatisfactory in view of the multiple punishment awarded to him.

Heard.

It is well settled that the grant of parole is essentially a discretionary power. Taking into account the aforesaid facts and circumstances, there is no reason to refuse the grant of parole to the petitioner for filing a Special Leave Petition before the Supreme Court of India for getting his medical treatment and re-establish his social ties.

In these circumstances, the present petition is allowed. The petitioner is directed to be released on parole for a period of two weeks, subject to:

- i) his furnishing personal bond with one local surety in the sum of Rs.25,000/- to the satisfaction of the Jail Superintendent;
- ii) he shall report at the concerned police station to mark his attendance on every Friday at 11:00 a.m. during the period of parole;
- iii) he shall duly surrender at the end of the period of parole;
- iv) at the time of his surrender, he shall submit proof of filing the Special Leave Petition before the Supreme Court, to the Jail Superintendent;
- v) 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;
- vi) he shall also not indulge in any criminal activity during the period of parole.

Copy of this order be given dasti, as prayed.

A copy of this order be communicated to the Jail Superintendent concerned.

SANGITA DHINGRA SEHGAL, J

JUNE 11, 2018

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