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

+ W.P.(CRL) 1642/2018

DEEPAK KASHYAP

..... Petitioner

Through: Mr.Kaushik Dey and Mr.Abha Sinha,
Advocates.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Ms.Kamna Vohra, APP for State with
SI Amit and SI Vikas Malik, PS Burari.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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13.06.2018

The present petition has been filed by the petitioner *inter alia* praying for issuance of writ of mandamus granting fresh parole to the petitioner for a period of 8 weeks to enable him to file SLP before the Hon'ble Supreme Court of India and to arrange funds for the same and also to arrange for marriage of unmarried sisters and to get proper medical treatment for his father.

Status report has been filed by the State. As per the status report, during enquiry, regarding addresses provided by the petitioner i.e. H.No.5445, Gali No.06, New Chadrawal Kamla Nagar, Delhi and Village Kharad, PS Shamli, District Shamli U.P., both the above said addresses have been verified but presently no family member of the petitioner has been found residing there.

Perusal of the nominal roll of the petitioner shows that he is undergoing rigorous imprisonment for life with fine of Rs.25000/- in default of two months simple imprisonment for offence under Section 302 IPC and simple imprisonment for two months with fine of Rs.1000/- in default of two days simple imprisonment for the offence under Section 323 IPC in case FIR No. 208/2012 registered at Police Station–Burari.

The petitioner has already undergone 05 Years 09 months and 27 days of incarceration and also earned remission of 03 months 15 days as on 04.06.2018. The jail conduct of the petitioner has been found satisfactory.

The appeal preferred by the petitioner was dismissed vide order dated 19.03.2018 of this Court.

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 arranging funds of marriage of his unmarried sisters and for getting proper medical treatment to his father.

In these circumstances, the present petition is allowed. The petitioner is directed to be released on parole for a period of four 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 Superintendant concerned.

SANGITA DHINGRA SEHGAL, J

JUNE 13, 2018

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