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

+ **W.P.(CRL) 972/2017**

LAJPAT @ BILLU

..... Petitioner

Represented by: Mr. Vikas Padora, Mr. Vaibhav Aggarwal, Advs.

versus

STATE

..... Respondent

Represented by: Mr. Rajesh Mahajan, ASC with SI Narender Kuamr PS Prasad Nagar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
11.04.2018

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By this petition, the petitioner has sought parole to maintain social ties and also challenges the order dated 2nd November, 2016 rejecting the application of the petitioner for grant of parole for re-connecting social ties.

Application for parole filed by the petitioner before the competent authority was rejected on the ground that the petitioner was involved in more than 8 cases of heinous offences and that the conduct of the petitioner in the jail was not satisfactory, in view of the jail punishments provided to him.

A perusal of the latest nominal roll indicates that the last jail punishment to the petitioner was on 26th September, 2016. Further

W.P.(CRL) 972/2017

page 1 of 3

petitioner has been convicted in 5 cases out of the 21 cases against him and in the other remaining cases he has either been acquitted or discharged. Even in the 5 cases where the petitioner has been convicted he has completed the sentence in 4 cases. As regards the status of FIR No.20/1994 under Section 302/394/397/34 IPC registered at PS Prasad Nagar it is stated that the sentence awarded by the learned Trial Court was commuted and set aside by this Court vide order dated 29th January, 2007 in CRL.A. 468/1999. The nominal roll does not indicate whether the conviction was set aside or not.

Be that as it may, as per the nominal roll the petitioner is undergoing sentence presently only in FIR No.15/1997 under Section 302/34 IPC and 25 Arms Act registered at PS Prasad Nagar.

Further, in compliance of the directions of this Court on the last date a status report has been filed which indicates that the case of the petitioner had been put up to the SRB for pre-mature release eight times and rejected. It is also stated that since more than six months has elapsed from the last consideration, the case of the petitioner would be put to the SRB in the next meeting which is likely to be convened in April, 2018.

Considering the fact when the application of the petitioner for parole was decided by the competent authority there was a jail punishment and convictions pending against the petitioner, thus this Court cannot hold the order dated 2nd November, 2016 to be illegal and set aside the same. Petition is dismissed, however liberty is available to the petitioner to apply afresh to the competent authority for grant of parole with the changed circumstances.

Copy of the order be communicated to the petitioner through Superintendent Tihar Jail.

MUKTA GUPTA, J.

APRIL 11, 2018
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