

\$~3

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3043/2018**

RAM AVTAR Petitioner

Through: Mr. Anuj Kapoor, Advocate

Versus

STATE Respondent

Through: Mr. Jamal Akhtar, Advocate for the
State

SI Shailendra Kumar Singh, P. S.
Gokulpuri, Delhi

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

%

29.11.2018

This petition seeks release of the petitioner on parole for a period of three months to enable him to maintain social ties and family relations.

The learned counsel for the petitioner submits that he has earlier been granted parole twice and furlough twelve times. According to his nominal roll his conduct in jail has been satisfactory for the past almost 14 years. The learned counsel for the petitioner also submits that the application of parole has been rejected by the GNCTD on the ground that the petitioner has already availed furlough for two weeks in the month of April-May 2018. The application was rejected on the ground that he had enjoyed furlough of two weeks in the month of April-May, 2018. The reason for rejection betrays appreciation of the concept behind furlough and parole; the former was granted to the petitioner on account of his satisfactory conduct in jail. In other words, he had earned the furlough; whereas in the latter case, the petitioner seeks release from the jail for the reasons mentioned in the application i.e. to re-establish social ties with his family and society. Therefore, the rejection of the application is unsustainable.

The learned counsel for the petitioner further submits that the daughter of the petitioner is studying in Class VI and the presence of her father would be extremely beneficial for her psychological and emotional growth. The petitioner has to take care of his daughter, whose rights would otherwise be affected.

In view of the foregoing, the Court finds no impediment in allowing the present petition. Consequently, the petitioner is enlarged on parole for a period of eight 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 Station House Officer, concerned Police Station Gokul Puri, Delhi, once a week on every Tuesday during the period of parole.
- (2) He shall furnish his telephone number to the SHO concerned, which the petitioner shall keep operational at all times.
- (3) He shall not leave the territory of NCT of Delhi.
- (4) The petitioner shall surrender before the jail authorities at the expiry of the period of parole.
- (5) The petitioner shall neither contact the victim nor her family during the period of parole, nor shall he be in social gatherings with her.

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 29, 2018/b