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

+ W.P.(CRL) 2716/2017

MAHESH SHARMA

... Petitioner

Represented by: Mr.V.K.Jha, Advocate

versus

STATE NCT OF DELHI

.... Respondent

Represented by: Mr.Sanjay Lao, ASC with
Mr.Siddharth Sindhu, Advocate
with SI Sanjay Singh, PS
Ambedkar Nagar

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

28.02.2018

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By this petition the petitioner seeks parole for looking after his mother-in-law who is suffering from cancer and to establish social ties with the family members and the society.

The petitioner sought parole on this ground from the competent authority on 7th September, 2017, however, till the filing of the present writ petition, no communication of either rejection or grant was communicated to the petitioner.

On a notice being issued a Status Report has been handed over, which is taken on record. Along with the Status Report, a copy of the communication dated 20th November, 2017 has been enclosed whereby the

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request of the petitioner for grant of parole for providing treatment to the mother-in-law and for maintaining social ties has been declined. The reason for declining parole to the petitioner by the competent authority was that the pre-requisite period of six months from the termination of the previous parole had not expired and the overall jail conduct of the petitioner was unsatisfactory due to the last punishment being dated 9th November, 2016.

As per the Status Report, the factum that the mother-in-law of the petitioner Mrs.Indira is suffering from cancer has been verified and it is stated that she is undergoing treatment from Lady Harding Medical hospital. As per the Status Report, the mother-in-law of the petitioner is residing with her two sons namely Rahul and Rohit, who are brothers-in-law of the petitioner and thus they are competent to take care of their mother.

As per the Nominal Roll of the petitioner, he was granted parole three times by the Government of NCT Delhi in the years 2010, 2011 and 2012 whereafter in the year 2012 he was granted parole by the Hon'ble Supreme Court of India. In the years 2016 and 2017, the petitioner was granted parole by this Court. The last parole granted to the petitioner was for a period of 10 days w.e.f. 21st July, 2017 to 31st July, 2017 and the last furlough was from 1st December, 2016 to 22nd December, 2016. The last jail punishment to the petitioner was on 9th November, 2016. Thus the twin grounds on which the parole to the petitioner was rejected were that six months period from the last parole had not expired and that the conduct of the petitioner was unsatisfactory, last jail punishment being on 9th November, 2016 and the last parole being 21st July, 2017 to 31st July, 2017, no more exist.

Though not on the ground that the petitioner has to look after his mother-in-law as two brothers-in-law of the petitioner are competent to look after their mother but to re-establish social ties, this Court deems it fit to grant parole to the petitioner.

It is, therefore, directed that the petitioner be released on parole for a period of four weeks from the date of his release on his furnishing a personal bond in the sum of ₹10,000/- with one surety of the like amount, subject to the satisfaction of the Superintendent, Tihar Jail, further subject to the condition that the petitioner will intimate to the Jail Superintendent his landline and/or mobile phone number, which he would be using during the period of parole.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

FEBRUARY 28, 2018
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