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

+ **W.P.(CRL) 2935/2017**

KARAMBIR

..... Petitioner

Represented by: Mr. Krishan Kumar, Advocate
for Ms. Sunita Arora,
Advocate.
Petitioner produced in custody.

versus

STATE

..... Respondent

Represented by: Mr. Sanjay Lao, Additional
Standing Counsel for State with
SI Anup Rana, PS Uttam
Nagar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
23.04.2018

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1. Petitioner was granted parole by this Court vide order dated 8th December, 2014 in W.P. (Crl.) No. 2444/2014 but he could not avail the same for the reason his brothers were released on parole and it was directed that the operation of the order would come into play only after surrender of the co-convicts namely Sanjay Kumar and Raj Kumar. Sanjay Kumar and Raj Kumar, the brothers of the petitioners jumped parole on 22nd December, 2014 and 21st November, 2015 respectively. Hence the petitioner is not in a position to avail the benefit of parole granted to him.

2. Petitioners are four brothers namely, Karambir, Ravi Kumar, Sanjay Kumar and Raj Kumar. Ravi Kumar also faced the same predicament and he was also denied parole by the competent authority for the reason his two

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brothers, who were co-convicts jumped the parole.

3. On a writ petition filed before this Court being W.P. (Crl.) 3198/2016 this Court granted parole to Ravi Kumar subject to the conditions and Ravi Kumar has since surrendered.

4. One of the brothers of the petitioner has shown good conduct and surrendered after the grant of parole for a period of four weeks.

5. A perusal of the nominal roll reveals that the petitioner has been in continuous incarceration since 15th October, 2006.

6. As status report has been filed verifying that the family of the petitioner, comprising of his mother, maternal grandmother, wife and daughter, who is suffering, is residing at RZ 129, Braham Puri, Pankha Road, Sagar Puri, Delhi.

7. Considering the fact that the petitioner has been in continuous incarceration from 2006 onwards and could not avail the benefit of order dated 8th December, 2014 due to the fault of his brother, 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 ₹25,000/- with two sureties of the like amount, out of which one surety would be of a family member of the petitioner, subject to the satisfaction of the Superintendent, Tihar Jail, further subject to the condition that the surety of the petitioner, who is a family member will keep his/her mobile phone in active mode so that the petitioner can be contacted. The petitioner will also report to the local police station to mark his attendance on every Monday at 11.00 AM during the period of release on parole, will not indulge in any

criminal activity while on parole and on completion of parole will surrender to custody.

8. Petition is disposed of.

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

MUKTA GUPTA, J.

APRIL 23, 2018

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