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

+ **W.P.(CRL) 3055/2019**

VIJAY KUMAR

..... Petitioner

Through: Mr Alok Tripathi, Advocate.

versus

STATE GNCT OF DELHI

..... Respondent

Through: Mr Rajesh Mahajan, ASC for State
with SI Sonu, PS Seemapuri, Delhi.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **01.11.2019**

CRL.M.A. 39289/2019

1. Allowed, subject to all just exceptions.

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2. The petitioner has filed the present petition, *inter alia*, seeking extension of parole that was granted to the petitioner pursuant to the order dated 17.09.2019. The grant of such parole was irregular, as six months had not elapsed from the date of the petitioner surrendering on completion of the period of the previous parole granted to the petitioner. Nonetheless, this Court had directed that the petitioner be released on parole since the petitioner desired to undergo surgery at a private hospital. The mitigating circumstances were noted and parole as sought for, was granted.

3. The petitioner now states that after being released on parole on 07.10.2019, he had approached the hospital on 15.10.2019 and the date of

surgery is fixed on 03.11.2019.

4. Considering that the petitioner was granted parole only for a period of four weeks, it was essential for the petitioner to have approached the hospital immediately and to have availed of the treatment within the said period. This conduct of the petitioner ought not to be countenanced.

5. Nonetheless, since the date of surgery is fixed on 03.11.2019, the parole granted to the petitioner is extended for a further period of two weeks. If the surgery is not performed on the date so fixed, this order would not inure benefit to the petitioner and he would surrender on or before 06.11.2019. This conduct of the petitioner would also be taken into account, while considering his application for parole in the next year.

6. The extension of parole is on the same terms as stated in the order dated 17.09.2019.

7. The petition is allowed in the aforesaid terms.

8. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

NOVEMBER 01, 2019

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