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

+ **W.P.(CRL) 3174/2019**

MAHENDER @ GANJA

..... Petitioner

Through Ms Namita Wali, proxy counsel for
Mr Anuj Kapoor, Advocate DHC.

versus

STATE

..... Respondent

Through Mr Amit Peshwani, Advocate for
Ms Nandita Rao, ASC Cr for state.
SI Sanjeev Kumar, P.S. Paharganj Delhi.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **22.11.2019**

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 30.08.2018 passed by the Competent Authority rejecting the petitioner's application for parole.
2. The status report has been filed which indicates that the petitioner's conduct in jail has not been satisfactory. It is stated that the petitioner had misbehaved with the jail staff on 15.01.2019 and again on 16.01.2019, when he was taken to GTB Hospital. It is stated that he had banged his head in the ambulance, which resulted in his bleeding. It is stated that he had to be controlled by the DAP Staff. It is also stated that he had used unparliamentary language against DAP Staff as well as the hospital staff.
3. In addition, it is pointed out that the petitioner is/was also involved in

eight other cases. Although the petitioner has been acquitted in four of those cases, however, he has been convicted in three cases. He has already served his sentence in one case and his sentence in another case under Sections 302/201/34 of the IPC is still pending.

4. In view of the above, the respondent states that the petitioner is desperate and is likely to jump parole. The learned counsel appearing for the petitioner requests that the present petition be deferred in order to enable the petitioner to arrange for a credible surety as the family members of the petitioner are not agreeable to stand as surety for the petitioner.

5. This Court does not consider it apposite to defer the present petition. This is considering that even if other aspects are ignored, the petitioner cannot be released on parole as his conduct has not been good in the last one year as in terms of Rule 1210 (II) of the Delhi Prison Rules, 2018.

6. In view of the above, the petition is dismissed leaving it open for the petitioner to apply afresh, after he has met the conditions as stipulated under Rule 1210 (II) of the said Rules.

7. It is made clear that if any such application is made, the same would be considered in accordance with law.

8. The petition is disposed of with the aforesaid observations.

VIBHU BAKHRU, J

NOVEMBER 22, 2019

pkv