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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(CRL) 207/2019, CRL.M.A. 1448/2019 – EXMP.
RAKESH KUMAR

..... Petitioner

Through: Ms. Aakanksha Bansal, Adv.

versus

STATE

..... Respondent

Through: Ms. Nandita Rao, ASCF with
Inspector Ram Avtar

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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22.01.2019

The case was passed over to facilitate Ms. Nandita Rao to obtain instructions apropos the note by the I.O. SI Anil Kumar of P.S. Kanjhawala to the effect that if the petitioner is released on parole it would have an adverse impact on law and order. The petitioner has earlier been released on parole. It is odd that such a report could have been made by the Inspecting Officer especially when the earlier liberty granted to the petitioner has never been misused by him.

Ms. Rao states upon instructions, that the petitioner's father, who is a co-accused in the matter, has not surrendered, therefore, the said statement was made. Perhaps it should not have been, because the High Court had already granted him parole after having considered the same circumstances. The SHO concerned is present. Ms. Rao states upon his instructions that since the petitioner's conduct is otherwise deemed to be satisfactory, the

police would have no objection to grant the parole in view of prior satisfactory conduct of the petitioner. Ms. Rao states that the SHO extends his regrets that the erroneous report was filed, so does the I.O. They assure the Court that they will be cautious in all such matters in future.

In view of the above, the Court hopes that the SHO would sensitise his officers about upholding the human rights of people, as well as being specific about any report being filed in Court.

The petitioner's wife is scheduled for a surgery on 23.02.2019 at Safdarjung Hospital, New Delhi. He seeks parole for three months. The petitioner's address and his wife's medical condition have been verified. His conduct in jail is stated to be satisfactory. The Government of NCT of Delhi is yet to take a decision on the petitioner's application for parole dated 17.12.2018. Let a decision be taken within two days and the petitioner be intimated about the same.

The petition is disposed off in the above terms.

NAJMI WAZIRI, J

JANUARY 22, 2019/acm