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

+ W.P.(CRL) 935/2019

RAMESH @ DUDHIYA Petitioner

Through: Ms. Neha Kapoor, Advocates.

versus

GOVT. OF NCT OF DELHI Respondent

Through: Mr. Jamal Akhtar, Advocate with
Mr.Amanpreet Singh, Advocate for Rahul
Mehra, Senior Standing Counsel (Crl.)
with ASI Surender Singh, PS-Saria
Rohilla.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

03.04.2019

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The present petition has been filed under Article 226/227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure seeking grant of parole for 15 days in FIR No. 289/2006 under Section 302/34 IPC and Section 27 Arms Act registered at Police Station Sarai Rohilla on the ground that the Barsi of his father has to take place on the 06.04.2019.

Status report and nominal roll have been filed. Inquiries reveals that Late Dayachand Sharma, father of the petitioner expired one year ago and the function of Barsi has to take place on 06.04.2019. Copy of typed/printed card of Barsi has been provided by mother of the petitioner.

Nominal roll of the petitioner has been called. As per the nominal roll of the petitioner, he is undergoing sentence of life imprisonment and

fine of Rs. 7.000/- in case FIR No. 289/2006.

The petitioner has already undergone 12 year 3 months and 4 days of incarnation and earned remission of 3 Years 1 month and 9 days. The jail conduct of the petitioner has been found to be satisfactory. Record also reveals that the petitioner had been granted furlough from 12.01.2019 to 02.02.2019.

Learned APP for the State opposes the parole of the petitioner stating that the petitioner is involved in seven other criminal cases.

Heard.

In terms of the Rule 1212 of Delhi Prison Rules 2018, the person may be entitled to release on furlough/parole only after expiry of one month gap between the last surrender. Attention is drawn towards the Rule 1212 of Delhi Prison Rules 2018, which reads as under:

“1212. A convict would be released on parole for a period of maximum eight weeks in minimum two spells in a conviction year. However, the period of release in one spell should not be more than four weeks. There should be one month gap between parole and last furlough availed and vice-versa.”

As a matter of fact, the parole and furlough are to be spaced out so that the exigency of family situations can be met.

Considering the status report which sustains the fact that the Barsi of father of the petitioner has to take place on the 6th April, 2019 and the fact that the period of one month between the parole and furlough has also

elapsed, I deem it appropriate to grant parole to the petitioner for a period of 05.04.2019 to 12.04.2019 on his furnishing a personal bond in the sum of Rs.20,000/- with one surety bond of the like amount, subject to the satisfaction of the Superintendent of Tihar Jail.

Dasti under the signatures of the Court Master.

Petition is disposed of.

SANGITA DHINGRA SEHGAL, J

APRIL 03, 2019

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