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

+ **W.P.(CRL) 1481/2019**

SANJIV KUMAR

..... Petitioner

Through: Mr Trideep Pais, Mr Devashish Chauhan, Ms Pallavi Mishra and Mr Sachin Vadhera, Advocates.

versus

STATE

..... Respondent

Through: Mr Rahul Mehra, Standing Counsel with Mr Jamal Akhtar and Mr Amanpreet Singh, Advocates for the State.
Inspector Anand Yadav and SI Pankaj, P.S. Vasant Kunj, North.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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19.09.2019

CRL.M.A. 35789/2019

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.A. 35788/2019

3. As noticed in the order dated 13.09.2019, although this application is styled as an application seeking modification of the order dated 02.08.2019; the same is, essentially, an application seeking further parole.
4. The petitioner seeks parole for the purpose of conducting an electrophysiology test of his mother. Parole had been granted to the petitioner for the said purpose on an earlier occasion. However, it is stated

that the test could not be performed on account of a strike at the Safdarjung Hospital. It is also stated that the petitioner's mother was unstable and at the material time.

5. For the reasons stated in the said application, the petitioner is granted parole for a period of ten days for the purposes of conducting the aforesaid tests as well as for any further procedure that may be required to be done. The petitioner shall surrender on or before 29.09.2019.

6. The petitioner shall be released on the same terms and conditions as specified in the order dated 24.05.2019, that is, on furnishing a personal bond in the sum of ₹10,000/- with one surety of the like amount to the satisfaction of the Superintendent, Tihar Jail.

7. This Court also finds it apposite to note that Mr Rahul Mehra, learned Standing Counsel appearing for the State, has opposed the petitioner's application on the ground that the petitioner had been repeatedly availing parole on the ground of ill-health of his mother. He points out that the petitioner has a son aged about twenty-nine years, who is fully capable of attending to both his mother and his grandmother. He has also referred to Rule 1212 of the Delhi Prison Rules, 2018 in support of his contention that a convict is required to undergo a minimum period of six months of custody before applying for a fresh parole.

8. Although the contentions advanced by Mr Mehra are merited, however, the petitioner had been released for a particular purpose, which did not fructify; therefore, in these mitigating circumstances, this Court considers it apposite to accede to the petitioner's prayer.

9. It is also necessary to note that the learned counsel appearing for the

petitioner also undertakes on his behalf that he shall not apply for any further parole except in accordance with Rule 1212 of the Delhi Prison Rules, 2018. He shall also not seek any extension of parole on any of grounds whatsoever and shall ensure that he makes arrangements for the assistance of his mother during this period of parole. Thus, notwithstanding she has to undergo a surgery/medical procedure, the petitioner shall not seek parole/furlough except in accordance with the Delhi Prison Rules, 2018.

10. The application is disposed of.
11. Order *dasti* under signatures of the Court Master.

SEPTEMBER 19, 2019
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VIBHU BAKHRU, J