

\$~38

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

+ **W.P.(CRL) 2160/2019**

MANOJ KUMAR

..... Petitioner

Through Ms Pallavi Sharma Kansal, Advocates.
Ms Ashu Chaudhary, Mr Santanu Kumar,
Advocates.

versus

STATE

..... Respondent

Through Mr Jamal Akhtar, Mr Amarpreet Singh,
for Mr Rahul Mehra, Standing Counsel
SI Kuldeep Singh, P.S. Palam Village.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

19.09.2019

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 12.07.2019, whereby the petitioner's request for grant of parole was rejected.
2. The petitioner had applied for parole to take care of his family consisting of his old aged parents, wife and minor children and also to maintain social ties with his family members and society and to combat inner stress. The request was rejected on the ground that the petitioner is a habitual criminal and the grounds shown by him were not compelling.
3. The petitioner was sentenced to rigorous imprisonment for life for the offence under Section 302 of the IPC and to pay a fine of ₹60,000/-. The petitioner has already served five years, five months and eight days and has

also earned remission of eleven months and fourteen days. His conduct in the jail is satisfactory. It is noticed that he was also granted parole from 18.08.2018 to 19.09.2018. There is no allegation that the petitioner had misused his liberty.

4. The status report has been filed and the above stated facts have been verified. The petitioner was involved in two other cases i.e. FIR No. 121/2010 under Section 323/324/427/341/34 of the IPC, P.S. Sector-23, Dwarka, Delhi and FIR No. 135/2010 under Section 186/353/332/34 of the IPC, P.S. Sector-23, Dwarka, Delhi. FIR No. 121/2010 was quashed and the petitioner was acquitted for the offences charged in FIR No. 135/2010. Thus, the assumption that the petitioner is a habitual offender is not sustainable.

5. In view of the above, the present petition is allowed and the petitioner is required to be released on parole for a period of four weeks from the date of his release. This is subject to the petitioner furnishing a personal bond in the sum of ₹10,000/- with one surety of the equivalent amount to the satisfaction of the Jail Superintendent. The petitioner shall provide his contact details and shall be reachable at all times. The petitioner shall not leave the National Capital Territory of Delhi.

6. The Registry is directed to communicate this order to the Jail Superintendent.

7. The petition is disposed of.

VIBHU BAKHRU, J

SEPTEMBER 19, 2019/ pkv