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

+ **W.P.(CRL) 2582/2019**

KAMAL KUMAR

..... Petitioner

Through Ms Neha Kapoor, Advocate.

versus

STATE OF NCT OF DELHI

..... Respondent

Through Mr Rahul Mehra, Standing Counsel
with Mr Amarpreet Singh, Advocate.
SI Shaib, P.S Mukherjee Nagar

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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17.09.2019

CRL.M.A. 35769/2019

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. The petitioner has filed the present petition seeking parole for a period of one month in connection with FIR No. 369/1995, under Sections 302/34 of the Indian Penal Code, 1860, registered at P.S. Mukherjee Nagar.
4. The nominal roll furnished by the Jail Authorities indicates that the petitioner has already suffered custody for a period of eight years, two months and five days and has earned a remission of one year and six days as on 12.09.2019. The status report indicates that the conduct of the petitioner

in the Jail has been satisfactory. The petitioner was also granted parole from 01.01.2019 to 15.01.2019 which was extended by this Court till 19.01.2019. The petitioner did not violate any of the conditions of parole and had surrendered within time.

5. The petitioner seeks parole to implement a settlement arrived at with his wife. The settlement deed has been placed on record and in terms of the same, he is required to pay a sum of ₹1.5 lakhs and also return her gift items. It is stated that the petitioner and his wife have decided to take divorce and the first motion for the said purpose is now listed on 21.09.2019. The said facts have been verified by the State.

6. In view of the above, the present petition is allowed and the petitioner is directed to be released on parole for a period of two weeks. 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 not leave the National Capital Territory of Delhi. He shall provide his contact details and ensure that he is reachable at all times. The petitioner shall also surrender within the time provided. Needless to state that if the said conditions are not complied with, the parole granted to the petitioner shall stand revoked.

7. Order *dasti* under the signature of Court Master.

VIBHU BAKHRU, J

SEPTEMBER 17, 2019

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