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

+ **W.P.(CRL) 3594/2019**

SHIVA @ UWAN

..... Petitioner

Through: Mr Adit S. Pujari, Mr Chaitanya
Sundriyal and Ms Tusharika Matto,
Advocates.

versus

STATE

..... Respondent

Through: Mr Ranbir Singh Kundu, ASC for
State with Mr Shivam Saharan,
Advocate.
SI Satyender Kumar, PS Pahar Ganj,
Delhi.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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28.02.2020

1. The petitioner has filed the present petition, *inter alia*, praying that he be released on parole in connection with FIR No. 189/2010, under Sections 452/323/324/307/302/201/34 of the IPC.
2. The petitioner was convicted for commission of several offences, including the offence punishable under Section 302 of the IPC and by an order dated 28.05.2012, was sentenced to life imprisonment.
3. The petitioner's application for parole was rejected on two grounds. First, that the petitioner had been awarded a punishment on 11.01.2019 and, therefore, his application for parole could not be considered in terms of Rule 1210 (II) of Delhi prison Rules, 2018; and second, that the petitioner was involved in fifteen other cases. Therefore, there is a possibility of his jumping parole.

4. Rule 1210 (II) of Delhi Prison Rules, 2018 requires that the conduct of the petitioner should be uniformly good for a period of one year in case he is awarded a minor punishment. The nominal roll indicates that the petitioner has not been awarded any punishment after 11.01.2019 and one-year has since elapsed. Thus, the petitioner is no longer ineligible for parole on the basis of the said Rule.

5. It is also seen that the petitioner is involved in several other cases; however, the said cases relate to the period 2005 to 2010. The petitioner has already undergone custody of seven years, eleven months and six days as on 22.10.2019, therefore, as of date, he has undergone actual custody for more than eight years. During the said period, he had also earned remission for one year, eight months and fourteen days. He has not been released since 17.09.2013.

6. In the given circumstances, this Court considers it apposite to allow the present petition.

7. The petitioner is directed to be released on parole for a period of two weeks on his furnishing a personal bond in the sum of ₹10,000/- with three sureties of an equivalent amount to the satisfaction of the Jail Superintendent. This is also subject to the following conditions:

- (a) the petitioner shall not leave the National Capital Territory of Delhi;
- (b) he shall report to the concerned Police Station (Police Station Pahar Ganj) immediately on his release and again mark his presence after a period of six days; and
- (c) he shall provide a mobile number and ensure that he is reachable on it

at all times.

8. The petition is disposed of in the aforesaid terms.
9. Order *dasti* under signatures of the court master.

VIBHU BAKHRU, J

FEBRUARY 28, 2020
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