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

CRL.M.A.6119/2020 & CRL.M.A.6120/2020 IN

+ W.P.(CRL.) 89/2020

GHANSHYAM alias JAVED

..... Petitioner

Through: Mr. Sunil Kalra, Advocate.

versus

STATE

..... Respondent

Through: Mr. Sanjay Lao, ASC for the State.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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21.05.2020

1. The petitioner was convicted under Sections 302/353/332/186/34 of the IPC and sentenced to life imprisonment by the judgment of the Trial Court dated 29.07.2005, which has been affirmed by this Court vide judgment dated 01.09.2009. By way of this petition, he seeks parole in order to enable him to explore the possibility of finding a suitable match for marriage, to maintain social ties and family relations, and to curb inner stress and depression due to incarceration. The petitioner has also contended that the stress and depression has been exacerbated due to the COVID-19 pandemic.

2. The petitioner's application for parole was rejected by the authorities on 19.12.2019 on the ground that on an earlier occasion, he had committed an offence under Sections 395/397/412/120B of the IPC while he was released on parole. FIR No. 53/2011 was registered at PS Lahori Gate in this connection, and he was convicted on 22.02.2018.

3. The State has filed the nominal roll and the status report pursuant

to the order dated 05.05.2020. By the aforesaid order, the contention of the State was recorded to the effect that the offence committed by petitioner during the period of parole on an earlier occasion disentitles him to further parole. As recorded in the said order, the petitioner has undergone the punishment for the said offence, and has in fact been released on parole thereafter in the years 2018 and 2019. He has not misused the liberty. The last occasion on which the petitioner was released on parole was pursuant to an order passed by this Court on 19.02.2019 in W.P.(Crl.) 170/2019. The nominal roll reveals that the petitioner is also working as a *sahayak* in jail and his conduct in the jail has been satisfactory at least for more than one year.

4. The status report dated 11.05.2020 reveals that the family of the petitioner, including his mother, brother, sister-in-law and niece have been found residing at WZ-152/3, Madipur Village, Delhi. Their health status has also been found to be satisfactory and no symptoms or enhanced vulnerability to the Coronavirus pandemic has been reported.

5. In view of the fact that the petitioner has family ties in society, and seeks parole to enable him to maintain those ties, and it does not appear that the petitioner's release would be especially injurious to the health of his family members, the petitioner is granted parole for a period of four weeks from the date of his release, subject to the following conditions:-

- a) The petitioner shall furnish a personal bond in the sum of ₹25,000/- to the satisfaction of the jail superintendent. In view of the present circumstances arising out of the COVID-19 outbreak, the furnishing of a surety bond as a condition for parole is dispensed with at present.
- b) The petitioner shall inform the SHO, Civil Lines, Delhi and the

SHO, Punjabi Bagh, Delhi (within whose jurisdiction his residence is located), as to his mobile number which will always be kept switched on and in workable condition. The petitioner will ensure that he is always at a place where the network is available so that he is reachable on the said mobile phone.

c) Twice a week, on every Monday and Thursday, between 11:00am and 11:30am, the petitioner shall make a video call to the SHO, PS Civil Lines and drop a pin on Google Maps so that his presence and location can be verified by the SHO. Mr. Sunil Kalra, learned counsel for the petitioner and Mr. Sanjay Lao, learned ASC confirm that the petitioner and the SHO have the necessary wherewithal to comply with this condition.

d) Upon expiry of the period of four weeks as stated above, the petitioner shall surrender before the jail superintendent.

7. The jail authorities are directed to take all necessary public health precautions in accordance with the guidelines laid down by the High Powered Committee constituted by the Supreme Court at the time of release of the petitioner and at the time of his surrender before the jail authorities after the period of parole.

8. The order be communicated to the jail superintendent by email in addition.

9. The petition and all pending applications are disposed of in terms of this order.

MAY 21, 2020/‘pv’

PRATEEK JALAN, J