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

+ **W.P.(CRL) 134/2020**

SHIV KUMAR @ SHIBU

..... Petitioner

Through: Mr Zeeshan Hashmi, Advocate.

versus

STATE

..... Respondent

Through: Ms Shivani Sharma, Advocate for Ms
Richa Kapoor, ASC for State with
Insp. Varun Dalal, PS Jahagirpuri.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **17.01.2020**

1. Issue notice. The learned counsel appearing for the respondent accepts notice.
2. The petitioner has filed the present petition impugning an order dated 11.12.2019, whereby the petitioner's prayer for being released on parole was rejected in view of Rule 1210(I) of the Delhi Prison Rules, 2018. The petitioner has been convicted and sentenced to life imprisonment.
3. The impugned order indicates that he has already spent five years and seven months in custody out of which five years have been spent as an undertrial. In terms of Rule 1210(I), it is necessary that a convict should have served at least one year in prison excluding the period of custody as an undertrial. However, the said sub-rule also provides that in exceptional cases, where the petitioner has been in custody for more than three years as an undertrial or has completed half the sentence of the punishment awarded

as an undertrial, his application for parole can be considered provided he has served at least six months in prison as a convict.

4. Concededly, the petitioner qualifies that criteria and he has spent more than three years in custody as a undertrial and more than six months as a convict. The petitioner had sought parole on the ground that he has to file an SLP to challenge the judgment dated 26.07.2019 passed by this Court in CrI.A.504/2019, whereby the petitioner's appeal against his conviction was rejected. Indisputably, it would be important to safeguard the petitioner's right to legal remedies.

5. The status report indicates that the address provided by the petitioner has been verified. In view of the above, the petitioner is directed to be released on parole for a period of four weeks from the date of his release on furnishing a personal bond in the sum of ₹25,000/- with two sureties of an equivalent amount to the satisfaction of the concerned Jail Superintendent. The petitioner shall not leave the National Capital Territory of Delhi. He shall also report to PS Jahangirpuri on every Monday at 10:30 AM of the calendar month after his release. He shall surrender before the jail on or before completion of the period of parole.

6. The petition is allowed in the aforesaid terms.

VIBHU BAKHRU, J

JANUARY 17, 2020
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