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

+ **W.P.(CRL) 254/2020**

RAMANJEET SINGH @ RUMMY

..... Petitioner

Through: Mr Kumar Vaibhav and Mr Vishnu
Menon, Advocates.

versus

STATE

..... Respondent

Through: Mr Divyanshu Sharma, Advocate for
Mr Avi Singh, ASC for State with SI
Sandeep Kumar, PS Swaroop Nagar.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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28.01.2020

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 06.12.2019, whereby the petitioner's application for parole was rejected in terms of Rule 1210(II) of the Delhi Prison Rules, 2018.
2. It is stated that the petitioner's conduct in the jail had been unsatisfactory inasmuch as, he has received punishment on 14.04.2019 and 18.03.2019. In terms of Rule 1210(II) of the aforesaid Rules, it is necessary that a convict's conduct in the jail be uniformly good for the last one year if he has been awarded a minor punishment.
3. The nominal roll indicates that the petitioner was warned on account of the said two punishments and therefore, the said punishment awarded to him were minor punishments. However, it is also seen from the nominal roll that the petitioner is psychiatric patient. It is stated that the punishments

were awarded to the petitioner on account of heated exchanges with the staff, for which he had also apologised subsequently. Thus, it is contended that the petitioner's behaviour was on account of his condition and not wilful. Clearly, a person cannot be punished for a medical condition. Although it is not established that his conduct was solely on account of his medical condition; nonetheless, this Court considers it apposite to grant him benefit of doubt.

4. Accordingly, the present petition is allowed and the order dated 16.12.2019 rejecting the petitioner's application for parole is set aside. The Competent Authority is directed to reconsider the petitioner's application for parole uninfluenced by the minor punishments awarded to him. The concerned authority shall take a fresh decision and communicate the same to the petitioner within a period of two weeks from today.

5. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

JANUARY 28, 2020
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