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

+ **W.P.(CRL) 318/2020 & CRL.MA. 2444/2020**

MUKESH LAL

..... Petitioner

Through Mr Joginder Tuli, Ms Joshini Tuli,
Mr Shrikant Sharma, Advocates.

versus

STATE

..... Respondent

Through Mr Sanjay Lao, ASC with Mr Karanjeet
Sharma, with SI Vikrant, P.S. Anand Vihar
present.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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17.02.2020

1. The petitioner has filed the present petition, *inter alia*, praying that the petitioner be released on parole for a period of thirty days to establish and maintain social ties; look after his family; to find a suitable groom for his daughter; and to engage a lawyer to file a Special Leave Petition before the Supreme Court to challenge the order of this Court dismissing his appeal, Crl. Appeal No. 562/2014.
2. The petitioner's application for parole had been rejected by an order dated 23.01.2020 in view of the Rule 1210(I) of the Delhi Prison Rules, 2018, which requires a convict to serve at least one year of imprisonment as a convict excluding the period served by him as an under trial. It is further provided that in cases where the convict has served more than three years or half his sentence as an undertrial, imprisonment of a period of six months as a convict, could be considered in the given circumstances.

3. The nominal roll indicates that the said condition is complied with as the petitioner has already undergone custody of eleven months and fourteen days as a convict as on 07.02.2020. The petitioner would complete the period of one year within a further period of four days. Rule 1210 (I) also provides that in exceptional circumstances, where a convict has already undergone more than three years as an under trial, then his application for parole may be considered if he spends at least six months in prison as a convict. In the present case, the petitioner has spent more than four years and six months and twenty days as an undertrial.

4. 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 from the date of his release on his furnishing a personal bond in the sum of ₹20,000/- with two sureties of the equivalent amount to the satisfaction of the concerned Jail Superintendent. This is also subject to the petitioner's address being verified. The petitioner shall not leave the national capital territory of Delhi and he shall provide a mobile number and ensure that he is reachable at all times.

5. The petition is allowed in the aforesaid terms. The pending application is also disposed of.

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

VIBHU BAKHRU, J

FEBRUARY 17, 2020

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