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

+ **W.P.(CRL) 322/2020**

KARTAR

..... Petitioner

Through: Mr Gautam Khazanchi and Mr
Vishnu Menon, Advocates.

versus

STATE

..... Respondent

Through: Mr Amit Peswani, Advocate for Ms
Nandita Rao, ASC (Crl.) for State
with Insp. Vikram Singh, PS Sangam
Vihar.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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04.02.2020

1. Issue notice. The learned counsel appearing for the respondent accepts notice.
2. The petitioner has filed the present petition, *inter alia*, impugning an order dated 17.10.2019 passed by the respondent, whereby the petitioner's application for being released on parole was rejected in view of Rule 1210(II) of the Delhi Prison Rules, 2018 (hereafter 'the Rules').
3. The petitioner was released on furlough for a period of two weeks with effect from, 12.12.2018. He was required to surrender on 27.12.2018. However, he had surrendered one day late (that is, on 28.12.2018).
4. In view of the above, the petitioner was punished and his *mulaqat* was stopped for one week. Admittedly, the punishment imposed on the petitioner was a minor punishment in terms of Rule 1271(a) of the Rules.
5. In terms of Rule 1210(II) of the Rules, the conduct of a prisoner is

required to be uniformly good for a period of last one year in case he has been awarded any minor punishment.

6. The respondent has furnished the petitioner's nominal roll, which indicates that apart from the punishment imposed on the petitioner on 28.12.2018 his conduct has been satisfactory. Thus, there is no dispute that the petitioner's conduct in jail for the last one year has been satisfactory.

7. In view of the above, the petitioner would now be entitled for parole. It is seen that the petitioner has served actual custody for twelve years, six months and twenty-eight days as on 03.02.2020. He had also earned remission of two years, ten months and sixteen days. The petitioner was released on furlough on eleven occasions and on parole on five prior occasions. Apart from the delay of surrendering one day late on 28.12.2018, there is no allegation that the petitioner had misused his liberty.

8. In view of the above, the present petition is allowed and the petitioner is directed to be released on parole for a period of four weeks from the date of his release subject to the petitioner furnishing a personal bond in the sum of ₹10,000/- and two sureties of an equivalent amount to the satisfaction of the concerned Jail Superintendent. The petitioner shall also provide a mobile number and ensure that he is reachable on it at all times. This order is also subject to the petitioner's address being verified.

9. The petition is disposed of in the aforesaid terms.

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

VIBHU BAKHRU, J

FEBRUARY 04, 2020/MK