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

+ W.P.(CRL) 729/2020

MANOJ KUMAR

..... Petitioner

Through: Mr Ashutosh Kaushik and Mr Brahm
Kumar Pandey, Advocates.

versus

STATE

..... Respondent

Through: Mr Sanjay Lao, ASC for State with
Mr Karanjeet Sharma, Advocate with
SI Mahendra, PS Adarsh Nagar.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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16.03.2020

CRL.M.A. 5535/2020

1. Allowed, subject to all just exceptions.

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2. The petitioner has filed the present petition, *inter alia*, praying that he be released on parole for a period of one month.

3. The petitioner's application for parole was rejected by the competent authority by an order dated 21.01.2020. The said order indicates that the petitioner was recently awarded two punishments. First, on 29.10.019, for causing damage to an iron gate for which his *mulaqat* for fifteen days and telephone facilities were stopped. Second, on 31.10.2019, when he was found using abusive language and spitting on the face of the ward—Shayak.

4. The learned counsel appearing for the petitioner states that, the two punishments have not been approved as yet. He further states that there was no allegation that the petitioner had broken an iron gate and the allegation related to breaking the iron net fixed on the gate.

5. In terms of Rule 1210 of the Delhi Prison Rules, 2018, in order to be eligible for parole, a prisoner has to maintain uniformly good conduct for a period of at least two years in case of a major punishment, and one year in case of a minor punishment.

6. The punishments awarded to the petitioner are minor. Therefore, he is required to maintain good conduct for a period of one year from the date of the punishment to be eligible for parole.

7. In view of the contention that the said punishments have not been approved as yet, this Court directs that the said punishments be appraised by the concerned district court, as expeditiously as possible, and in any event within a period of two weeks from today. In the event, the punishments are not approved, the concerned authorities shall consider the petitioner's application for parole afresh. However, in case the punishments are approved, the petitioner would be at liberty to apply for parole afresh after the expiry of one year from 31.10.2019.

8. The petition is disposed of with the aforesaid directions.

VIBHU BAKHRU, J

MARCH 16, 2020
MK