

\$~A-6

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

+ W.P.(CRL) 799/2020 & CRL.M.A. 6214/2020

ONKAR SINGH ... Petitioner

Through: Ms.Neha Kapoor, Advocate

versus

STATE OF NCT OF DELHI ... Respondents

Through: Mr. R.S.Kundu, APP. for the State

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

%

09.06.2020

This hearing is conducted through Video-Conferencing.

CRL.M.A. 6214/2020(exemption)

Exemption allowed, subject to all just exceptions.

W.P.(CRL) 799/2020

1. This petition is filed under Article 226/227 of the Constitution of India read with section 482 Cr.PC seeking grant of parole in FIR No.1161/1980 under section 302/34 IPC, Police Station Pahar Ganj for a period of eight weeks on medical conditions. It is the case of the petitioner that he has completed 14 years in custody. He is 65 years of age and is an Asthma/BP patient and there are no other cases pending against him. It is stated that his name was sent for release on emergency parole as per directions of the Hon'ble Supreme Court. However, it was rejected since he had jumped parole in the past.

2. It is further stated that the petitioner suffered an Asthma attack in the middle of the night and there was no assistance. It is further stated

that the petitioner is vulnerable and is regularly complaining of breathlessness and high BP.

3. The health report has been received from the Office of Medical Officer, Incharge, Dispensary Central Jail. It is stated that the petitioner is a known case of Hypertension for the last 2-3 years. He also has a history of shortness of breath on exertion of and on for which he is taking treatment in the jail. The report concludes his general condition is stable and satisfactory.

4. I also cannot help noticing the Nominal Roll which states that the petitioner was released on parole on 5.6.1991 to 6.7.1991 but he did not surrender and jumped parole. He was re-arrested on 28.08.2017.

5. At this stage, learned counsel for the petitioner states that it cannot be that in case a convict has jumped parole and is again arrested he will be denied parole in perpetuity. She relies upon Rule 1210 of the Delhi Prison Rules and states that where conduct has been good for the last two years parole may be granted.

6. Keeping in view the facts and circumstances of this case, at this stage, no case is made out for grant of any relief to the petitioner. The petitioner is free to apply after sometime, as per law, if the conditions and situations so warrant.

7. Petition is accordingly dismissed. All pending applications, if any, also stand disposed of accordingly.

JAYANT NATH, J.

JUNE 09, 2020/n