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

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Judgment delivered on: 08.06.2020

+ W.P.(CRL) 828/2020

SAURABH SHARMA

..... Petitioner

versus

STATE OF NCT OF DELHI

.....Respondent

Advocates who appeared in this case:

For the Petitioner:

Ms.Dolly Raj Bahadur, Advocate.

For the Respondent:

Ms.Nandita Rao, ASC for State.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. Petitioner by this petition seeks grant of emergency parole for a period of eight weeks.
3. Learned counsel for the petitioner submits that petitioner has already undergone 12 years 9 month and 28 days of incarceration as on 09.05.2020 and earned remission of 1 year 6 months and 4 days and has been in custody without any parole or furlough since the year 2013.
4. Learned counsel submits that since petitioner has never been granted any parole or furlough for seven years, he may be granted emergency parole for a period of eight weeks so that he can restore his family ties.

5. Learned Additional Standing Counsel submits that petitioner was declined emergency parole as he had escaped from custody during the Court production at the Lucknow Court on 20.06.2013 and was re-arrested on 04.07.2013 and he has also been convicted in two other cases.

6. Petitioner has been convicted for an offence under Section 120B/364A/34 IPC and sentenced to undergo life imprisonment and imposed fine of Rs. 50,000/- and in default of payment of fine to undergo further imprisonment for a period of one year. Petitioner has already undergone 12 years 9 months and 28 days of incarceration as on 09.05.2020 and earned remission of 1 year 6 months and 4 days. With regard to the two other cases in which the petitioner is stated to have been convicted, he has already undergone the sentence and paid the fines imposed there under.

7. No doubt that petitioner had escaped from custody while being produced in court but that was in the year 2013 i.e. nearly seven years ago. Petitioner has not been granted any parole or furlough since then and has been in custody continuously for a period of seven years and there in nothing adverse reported about his jail conduct since the year 2013. He has even been awarded a certificate of recognition on 26.01.2020. In my view, petitioner should be given a chance to reform himself and show that he has changed since the time he escaped from custody.

8. Keeping in view the peculiar facts and circumstances of the case and also the fact that petitioner has been in custody continuously for a period of seven years, without any parole or furlough, I deem it expedient to grant parole to the petitioner for a period of six weeks.

9. Accordingly, on petitioner furnishing a bail bond in the sum of

Rs.50,000/- with one surety of the like amount to the satisfaction of the concerned Superintendent Jail, petitioner shall be released on parole for a period of six weeks.

10. Petitioner is stated to be a permanent resident of South City, Rae Bareilly Road, Lucknow. Petitioner shall report to the SHO of the concerned police station within whose jurisdiction the residence of the petitioner is situated i.e. South City, Rae Bareilly Road, Lucknow on every Saturday. In case the SHO is not available, petitioner shall mark his presence before the concerned duty officer. Petitioner shall also furnish to the Investigating Officer his mobile number as well as his surety's mobile number which shall be kept active during the said period. Petitioner shall surrender before the concerned Superintendent Jail on the expiry of the period of six weeks from his release.

11. Petition is allowed in the above terms.

12. Copy of the judgment be uploaded on the High Court website and be also forwarded to learned counsels through email.

JUNE 08, 2020

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SANJEEV SACHDEVA, J.