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

+ **W.P. (CRL) 853/2020**

MALKIT SINGH

..... Petitioner

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

versus

STATE

..... Respondent

Through Mr Sanjay Lao, ASC for state.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

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08.07.2020

[Hearing held through videoconferencing]

CRL. M.A. 8839/2020

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

CRL. M.A. 8838/2020 (parole for 8 weeks)

3. The petitioner has filed the present application, *inter alia*, praying that he be granted emergency parole for a period of eight weeks in terms of Rule 1212A of The Delhi Prison Rules, 2018.
4. The petitioner was granted parole by an order dated 06.03.2019 passed in W.P. (Crl) 595/2019, which was subsequently modified on 30.04.2019. In terms of the said order, the petitioner was required to furnish one surety, which he was unable to do. Thus, the petitioner could not avail of the parole that was granted by the said order. Thereafter, the petitioner applied for an emergency parole, however, that was rejected on the ground that this Court had already granted parole, which was not availed by him.

5. The petitioner filed the present petition impugning the decision of the respondents to reject his application for emergency parole.

6. Since the order dated 06.03.2019 (modified by order dated 30.04.2019) in W.P. (Crl) 595/2019 was coming in the way of the petitioner in seeking emergency parole, the learned counsel appearing for the petitioner requested that the said order be recalled in order for the petitioner to seek emergency parole. The said prayer was allowed and by an order dated 01.06.2020 the earlier order dated 06.03.2019 passed in W.P. (Crl) 595/2019, as modified by the order dated 30.04.2019, was recalled. This Court also directed the concerned Jail Authorities to examine the petitioner's application for emergency parole under the prevalent rules, guidelines and policies.

7. However, the petitioner's application for parole was not considered and the earlier decision was re-communicated. In the aforesaid circumstances, this Court passed an order dated 16.06.2020 directing the concerned authorities to examine the petitioner's application for parole uninfluenced by the earlier orders passed by the concerned committee(s).

8. Mr Sanjay Lao, learned ASC appearing for the State submits that in compliance of the order dated 16.06.2020 the petitioner's application for emergency parole was considered and the same was rejected on the ground that the petitioner had been granted bail in 2016 but had jumped parole. He was re-arrested almost a year later. In the meanwhile, he was involved in another FIR for allegedly committing an offence punishable under section 302 of IPC (FIR No. 91/2017 under Section 302 IPC P.S. Fatehgarh Sahib, Punjab).

9. He submits that in addition the co-accused of the petitioner has been

granted parole.

10. In view of the above, the learned counsel appearing for the petitioner submits that the order dated 06.03.2019 passed in W.P. (Crl) 595/2019 be restored and the amount of surety be reduced to a nominal amount.

11. This Court is unable to accede to the aforesaid prayer.

12. Given the conduct of the petitioner, the decision of the respondents not to grant emergency parole cannot be faulted. However, since the petitioner was granted parole by an order dated 06.03.2020 passed in W.P. (Crl) 595/2019, as modified by the order dated 30.04.2019, this Court considers it apposite to restore the said order; particularly since the said order was not challenged by the respondents. However, the petitioner's request that the amount of surety be reduced cannot be acceded to in view of his past conduct.

13. In view of the above, the present application is dismissed with the direction that the order dated 06.03.2019 passed in W.P. (Crl) 595/2019, as modified by the order dated 30.04.2019, which was recalled by the order dated 01.06.2020 passed by this Court, is restored. The petitioner shall be released on parole in terms of the said orders subject to him complying with the conditions stipulated therein.

VIBHU BAKHRU, J

JULY 08, 2020

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