

via Video-conferencing

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P. (CRL.) 911/2020

RAHISH @ GANJA

.....Petitioner

Through: Mr. Puneet Garg, Advocate.

Versus

STATE OF NCT OF DELHI

.... Respondent

Through: Mr. Sanjay Lao, ASC for the State.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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26.06.2020

The petitioner, who is serving a 07-year sentence in case FIR No.270/2010 registered under sections 392/397/34 IPC at PS: Keshav Puram, Delhi, seeks parole on the ground that his family, consisting of his ailing mother, his wife and 02 minor children, requires his presence and support in times of the prevailing pandemic.

2. It is stated that though the petitioner's brother also resides at the same address, he lives on a different floor and does not take care of the family. The mother is stated to be about 81 years of age and suffering from various medical problems. It is also urged in the application that, in keeping with the steps taken by the Delhi Administration as well as by the High Court *inter-alia* *vidé* notification dated 23.03.2020 for decongesting prisons to prevent the spread of the pandemic inside jail, the petitioner be released on parole. It is also pointed-out that the instances of

COVID-19 cases in the city have been spiralling lately, with several being reported from jail.

3. It is also stated that the petitioner's name was recommended for release on parole by the Jail Superintendent *vidé* email dated 31.03.2020. However no response has been received till date in that regard.
4. Status report dated 24.06.2020 has been filed in the matter, verifying the residential address furnished by the petitioner, as also the fact that petitioner's mother is about 81 years of age and lives with the petitioner's wife and 02 minor children. Nominal roll dated 17.06.2020 shows that the petitioner has undergone about 04 years of imprisonment out of the 07-year sentence awarded to him in the present case; that there are 04 other cases pending against him for similar offences, and in each of the cases, he is on bail; and also that, he has already undergone sentence in 05 other cases. As per medical status report dated 17.06.2020 received from the Jail Superintendent, the petitioner's medical condition is stated to be stable.
5. Mr. Puneet Garg, learned counsel for the petitioner submits that it will be noticed that all the cases, whether pending or those in which the petitioner has already undergone sentence, are of the year 2010 or prior thereto; that the petitioner has been in custody since 2010 in one or the other case; and that he has since reformed.

6. Nominal roll also shows that punishments for breach of prison rules have been awarded to the petitioner on 09 occasions between 2011 and 2018. Mr. Garg however argues that such punishment was last awarded on 07.12.2018, and in spite thereof the petitioner was granted parole on 09.12.2019; and that the petitioner has been granted parole on 02 occasions i.e. in October 2018 and December 2019 and there is no allegation that he has ever misused parole or has not surrendered on time.
7. Considering the overall facts and circumstances of the case, in particular that the petitioner has undergone about 04 years of imprisonment out of the 07-year sentence awarded to him; that the last prison punishment was awarded to him in December 2018; that all the cases against him, whether pending or in which he has undergone sentence, relate to the year 2010 and prior to that; and that he has been granted parole in October 2018 and December 2019 ; and there is no allegation of misuse of parole or late surrender, this court is persuaded to grant to the petitioner parole for a period of 06 (six) weeks from the date of his release on the following conditions:
 - a. The petitioner shall furnish a personal bond in the sum of Rs.10,000/- with 01 local surety in the like amount, to the satisfaction of the Jail Superintendent ;
 - b. The petitioner shall not leave the State of Delhi without permission of the court and shall *ordinarily* reside in her place of residence as per prison records;

- c. The petitioner shall report to the SHO of PS: Keshav Puram, Delhi every Wednesday between 11 am and 11:30 am to mark his presence; but he will not be kept waiting for longer than one hour for this purpose;
- d. The petitioner shall furnish to the SHO a cellphone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times ;
- e. If the petitioner has a passport, he shall also surrender the same to the Jail Superintendent;
- f. The petitioner shall not contact nor visit nor offer any inducement, threat or promise to the first informant/complainant or to any of the prosecution witnesses in any of the other pending matters. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the other pending matters. The petitioner shall also not contact nor interact with any other co-accused, if they are on bail or parole;
- g. Upon expiry of the period of parole, the petitioner shall surrender before the concerned Jail Superintendent.

- 8. The petition stands disposed of in the above terms.
- 9. Pending applications, if any, also stand disposed of.
- 10. Copy of this order be sent to the Jail Superintendent.

ANUP JAIRAM BHAMBHANI, J.

JUNE 26, 2020

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