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

+ **W.P. (CRL) 916/2020**

VICKY

..... Petitioner

Through Mr Puneet Garg, Advocate

versus

STATE

..... Respondent

Through Mr Amit Peswani, Advocate for
Ms Nandita Rao, ASC APP for state.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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23.06.2020

[Hearing held through videoconferencing]

1. The petitioner has filed the present petition, *inter alia*, seeking parole.
2. The petitioner was convicted by an order dated 28.05.2012 for the offence under Section 452/323/324/307/302/34 IPC. The petitioner was sentenced to undergo life imprisonment for the offence under Section 302 IPC.
3. The nominal roll indicates that the petitioner has served eleven years, two months and twenty one days as on 12.06.2020. The appellant's appeal (Crl. A. No. 881/2013) against the order of conviction was dismissed by this Court on 16.12.2017.
4. The petitioner was also convicted in another case FIR No. 121/2009 under Section 307/34 IPC P.S. Paharganj but he has served his sentence on 15.05.2014.

5. The status report has been filed which does not indicate any specific reason why the petitioner should be denied parole. However, it is mentioned that his brother (co-accused) is already on parole.

6. Mr Garg, the learned counsel appearing for the petitioner has referred to Note (2) to Rule 1212 of the Delhi Prison Rules, 2018 which expressly provides for exception where simultaneous parole can be granted to co-accused family members in exceptional circumstances. Thus, the fact that the petitioner's brother (co-accused) has been granted parole would not prohibit grant of parole to the petitioner.

7. The status report also indicates that the petitioner's address has been verified.

8. In view of the above, the present petition is allowed. The petitioner is directed to be released on parole for a period of four weeks from the date of his release on his furnishing a personal bond in the sum of ₹15,000/- with one surety of the equivalent amount to the satisfaction of the Jail Superintendent. This is also subject to the following further conditions:-

- (a) that the petitioner shall provide a contact number and ensure that he is reachable at all times;
- (b) that the petitioner shall not contact the victim directly or indirectly;
- (c) that the petitioner shall report to the local police station, P.S. Paharganj, on Monday of every calendar week.

9. It is clarified that the period of parole will not be extended and would not be subject to any general order extending interim orders or parole

10. The petition is allowed in the aforesaid terms.

11. A copy of this order be communicated to the Jail Authorities electronically.

JUNE 23, 2020
pkv

VIBHU BAKHRU, J