

\$~8

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

+ W.P.(CRL.) 910/2020

KUNDAN SINGH

.....Petitioner

Through : Mr. Anurag Jain, Advocate.

versus

STATE (GOVT. OF NCT OF DELHI) Respondent

Through : Mr. Sanjay Lao, ASC for State.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **26.06.2020**

The petitioner, who is a convict serving life sentence in case arising from FIR No. 592/2007 registered under sections 302/201/404 IPC at PS : Mehrauli, Delhi, seeks parole on the ground of the prevailing pandemic as also to re-establish family and social ties.

2. Mr. Anurag Jain, learned counsel for the petitioner submits that the petitioner has been in custody for more than 12 years; that he is on bail in another matter, being case FIR No. 725/2016 registered under sections 20/61/85 of the NDPS Act 1985 at PS : Hari Nagar, Delhi; and that he has been serving as 'factory *sahayak*' in prison.

3. Counsel further points-out that the petitioner had been granted parole on 04 earlier occasions in October 2018, June 2019, November 2019 and January 2020, and he has never misused the benefit of parole and has always surrendered on time.

4. Mr. Sanjay Lao, learned Additional Standing Counsel for the State submits that the petitioner's request for parole was declined by the jail administration *vidé* communication dated 17.06.2020 since his

jail conduct has been unsatisfactory and multiple punishments have been awarded to him for breach of prison rules.

5. Mr. Lao refers to nominal roll dated 17.06.2020, from which it is seen that the petitioner has been awarded punishments for prison offences on 15 occasions between 2013 and March 2020.

6. Status report dated 24.06.2020 filed in the matter verifies and confirms the petitioner's address at his native place in Haldwani, Nainital, Uttarakhand.

7. Upon a perusal of the nominal roll it transpires that insofar as the last 02 years are concerned, the prison offences do not involve any violence nor do they appear to have invited any major punishment. In any case, the petitioner has been awarded requisite punishment as deemed appropriate by the jail authorities and, in that sense, has atoned for his prison offences. Also, despite his sketchy prison conduct, earlier-on the petitioner was granted parole of 04 occasions.

8. Insofar as his general conduct is concerned, as recorded above, the petitioner has been granted parole on 04 occasions between 2018 and 2020 and there is no allegation that he has either misused parole or has surrendered late.

9. The petitioner has been in custody for more than 12 years and, although medical report dated 18.06.2020 records that his general condition is normal, on an overall conspectus of the facts and circumstances, this court is persuaded to grant to the petitioner parole for a period of 45 (forty-five) days from the date of his release, subject to the following conditions :

- i. The petitioner shall furnish a personal bond in the sum of Rs.25,000/- to the satisfaction of the Jail

Superintendent. Considering that the petitioner does not have a base nor any relatives in Delhi, the requirement of furnishing a surety is dispensed with at this stage.

- ii. The petitioner shall not leave District Nainital, Uttarakhand except to travel to and from Central Jail, Mandoli, Delhi, without permission of the court and shall *ordinarily* reside at the address mentioned in this application;
 - iii. The petitioner will report on every Wednesday to the SHO PS : Kathgodam, District Nainital, Uttarakhand between 11 am and 11:30 am for marking his appearance. However the petitioner will not be kept waiting for longer than one hour at the police station during such visits ;
 - iv. The petitioner shall furnish to the SHO a cell phone 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;
 - v. If the petitioner has a passport, he shall also surrender the same to the Jail Superintendent;
 - vi. 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 the other pending matter viz. FIR No. 725/2016. 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 pending matter ;
 - vii. Upon expiry of the period of interim bail, the petitioner shall surrender before the concerned Jail Superintendent.
10. The writ petition stands disposed of in the above terms.

11. Pending applications, if any, also stand disposed of.
12. A copy of this order be sent to the Jail Superintendent.

ANUP JAIRAM BHAMBHANI, J.

JUNE 26, 2020/j