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

+ W.P. (CRL.) 1001/2020

RAMANJEET SINGH @ RUMMYPetitioner
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
% **10.08.2020**

The petitioner, who is serving life sentence for offences arising from FIR No. 24/2012 registered under sections 302/326/34 IPC at PS: Swaroop Nagar, Delhi; and having been convicted *vidé* judgment dated 22.04.2016 and sentenced *vidé* sentencing order dated 23.04.2016, seeks parole.

2. The grounds cited were *firstly*, that the petitioner wants to arrange finances to file a special leave petition against dismissal of his criminal appeal by the High Court; *secondly*, that the petitioner wishes to re-establish social and family ties, having been in prison for about 08 years; and *thirdly*, that the petitioner, who is stated to be a psychiatric patient, wishes to avoid unwarranted exposure to the prevailing coronavirus pandemic in prison.

3. Notice in this petition was issued on 02.07.2020.
4. Status reports dated 20.07.2020 and 08.08.2020 have been filed by the State.
5. Nominal roll dated 17.07.2020 and medical status report dated 13.07.2020 have been received from the Jail Superintendent.
6. Mr. Anurag Jain, learned counsel for the petitioner submits that *vidé* order dated 28.01.2020 made in W.P. (Crl.) No. 254/2020, a Co-ordinate Bench of this court had set aside an earlier order dated 16.12.2019 whereby the competent authority had rejected the petitioner's parole application; and the court had directed that the petitioner's plea for parole be reconsidered uninfluenced by the minor punishments awarded to him.
7. It transpires however that the petitioner's name was not recommended for parole even upon reconsideration on 17.04.2020 and 10.07.2020.
8. Mr. Sanjay Lao, learned ASC for the State submits that the reason for rejection is, that while the petitioner was on interim bail granted *w.e.f.* 19.09.2016 to 19.11.2016 and subsequently extended to 15.02.2017, the petitioner committed another crime for which he was re-arrested in case FIR No. 28/2017 dated 03.02.2017 registered under sections 323/452/341 IPC at PS : Swaroop Nagar, Delhi.
9. Mr. Lao submits that this is a clear violation of Rule 1210 (III) of the Delhi Prison Rules 2018. Mr. Lao further points-out that the petitioner's brother and co-accused Kamaljeet is also out on parole; and ordinarily as per Rule 1212(2), the petitioner ought not be granted parole at least till the co-accused surrenders.

10. Mr. Jain counters the submission that the offence committed while on interim bail would be an impediment to grant of parole on two grounds: *firstly*, that Rule 1210(III) applies only to crimes committed while a prisoner is out on *parole* or *furlough*, but not when a prisoner is out on *interim bail*. Further Mr. Jain argues that the offence alleged in FIR No. 28/2017 was compounded *vidé* order dated 02.02.2019; and that even prior to such compounding, interim bail was granted to the petitioner twice from 15.07.2017 to 29.07.2017 and again from 25.08.2017 to 04.09.2017; and on each occasion, the petitioner complied with the terms of interim bail and surrendered on time.

11. *Vidé* status report dated 20.07.2020, the State has verified the petitioner's address at Flat No. 140 DDA Flats, near Shiv Mandir, New Seema Puri, New Delhi.

12. Let it be said that Mr. Jain's submission that an offence committed while the petitioner was on interim bail cannot be an impediment to grant of parole since Rule 1210(III) of the Delhi Prison Rules applies only to crimes committed while a prisoner is on parole or furlough, appears at best to be facetious, inasmuch as the High Court entertaining a writ petition for grant of parole or other similar relief would most certainly be entitled to look at the *overall conduct* of the prisoner *while he is at large*, whether on regular bail, interim bail, parole or furlough.

13. However, what is seen from the record is that after registration of FIR No. 28/2017 dated 03.02.2017; and even before compounding of the offence on 02.02.2019, the petitioner was granted interim bail on two occasions in July 2017 and August 2017, as detailed above.

14. Moreover, medical status report dated 13.07.2020 does record that on being examined by the jail psychiatrist on 10.07.2020, the petitioner displayed certain psychiatric issues, for which he was given treatment and advised follow-up.

15. In the circumstances, this court is inclined to waive the strict application of Rule 1212(2), namely of two convicts ordinarily not being allowed simultaneous parole. In so doing, this court also notes the fact that the parole granted to the petitioner's brother, co-accused Kamaljeet, was also extended by operation of orders dated 13.07.2020 and 24.07.2020 made by a Full Bench of this court in W.P.(C) No. 3037/2020 titled ***Court on its own Motion vs. State & Ors.***, which extension should not be so applied as to be a disadvantage or an ineligibility insofar as the petitioner is concerned.

16. Upon an overall conspectus of the foregoing facts and circumstances, this court is persuaded to grant to the petitioner *parole* for a period of 04 (four) weeks from the date of his release, subject to the following conditions :

- (a) The petitioner shall furnish a personal bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand) with 01 surety of the like amount from a family member, 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 at the address mentioned in this order;
- (c) The petitioner shall present himself before the concerned SHO every Thursday between 11 am and 11:30 am. to mark his appearance. However he will not be kept waiting for longer than an hour for this purpose ;

- (d) The petitioner shall furnish to the concerned 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;
- (e) The petitioner shall not indulge in any unlawful act or omission while on parole ; and
- (f) Upon expiry of the period of parole, the petitioner shall surrender before the concerned Jail Superintendent.

17. Since a third brother is also a co-convict in the matter, it is made clear that this order will not be cited as a precedent for grant of parole or other similar relief to the applicant's third brother, whose application may be considered on its own merits, in accordance with law.

18. The writ petition is disposed of in the above terms.

19. Pending applications, if any, also stand disposed of.

20. A copy of the order be sent to the Jail Superintendent.

ANUP JAIRAM BHAMBHANI, J.

AUGUST 10, 2020

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