

\$~Bail - 6

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

+ **W.P.(CRL) 1058/2020**

SHRI NATH CHAUHAN

.....Petitioner

Through

Mr. Sarthak Maggon, Adv.

versus

STATE OF NCT OF DELHI

....Respondent

Through

Mr. Chaitanya Gosain on behalf of
Mr. Rahul Mehra, Standing Counsel
(Crl.), GNCTD.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

31.07.2020

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[Court hearing convened *via* video-conferencing on account of COVID-19]

1. This is a petition filed to seek parole, *albeit*, on medical grounds and for maintaining social ties both with the family as well as the society at large.
2. The petitioner is a convict who is serving a life sentence.
3. The record shows that the petitioner has already served 21 years in custody, including the period counted towards remissions.
 - 3.1 The record also shows that the petitioner has been released on several occasions both, on parole and furlough, and each time, after the expiry of the stipulated period, he has surrendered.
 - 3.2 Therefore, the apprehension that the petitioner may jump parole, at least at this point of time, does not emerge from the record.

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signing date 01.08.2020
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4. I had on 14.07.2020, while issuing notice in the petition, directed the concerned Jail Superintendent to place the petitioner's representation before the visiting judge. This direction was issued in the backdrop of the contention raised before me that the petitioner had been meted out a punishment on 29.01.2020 on account of having been found with a mobile phone, battery and two SIM cards while a random search was conducted by the authorities in the jail premises.

5. Mr. Gosain, who appears on behalf of Mr. Rahul Mehra, Standing Counsel (Crl), GNCTD, says that the petitioner's representation was despatched to the visiting judge on 18.07.2020.

5.1 I am informed by Mr. Gosain that no response has been received *qua* the same.

6. Likewise, Mr. Gosain informs me that punishment order dated 29.01.2020 was also dispatched to the visiting judge on 07.02.2020 and up until now, no response has been received from the visiting judge.

7. Therefore, as matters stand today, there is no confirmation of the punishment order passed by the concerned Jail Superintendent.

8. The record also shows that the last time around the petitioner was released from incarceration, which was on furlough, was on 31.10.2019. The petitioner was granted furlough for a period of 14 days and, therefore, after the expiry of 14 days, the petitioner surrendered on 14.11.2019.

9. Since then, admittedly, the petitioner has not been released.

10. Thus, having regard to the overall facts and circumstances, including the fact that the petitioner needs to connect with society and his family from time to time; he has not stepped out of jail since November 2019 and there is a policy to de-congest the jails wherever possible on account of Coronavirus pandemic, I am inclined to grant parole to the petitioner for eight (8) weeks. The argument that because punishment was meted out to the petitioner on 29.01.2020 and, therefore, he cannot be released, is not sustainable as there has been no confirmation of the said order by the visiting judge. Sufficient time has elapsed since the request in that behalf was made. It is ordered accordingly. The petitioner is granted parole for eight (8) weeks.

10.1 The parole will commence from the date the petitioner is released from custody.

10.2 Needless to add, the petitioner will surrender, immediately, on the expiry of the period of eight (8) weeks.

11. I may also indicate that since the petitioner has provided an address in Aligarh as the place where he is going to reside during the period he is out on parole, it is directed that the petitioner will not move out of Aligarh without informing the Station House Officer of the concerned area.

12. This apart, in case, the Sentence Review Board convenes during the period the petitioner is out on parole, his case, if taken up, will be considered without being influenced by the punishment order dated 29.01.2020.

13. The captioned petition is disposed of in the aforementioned terms.

14. The Registry will transmit a copy of the order passed today, *albeit*, electronically, to the concerned Jail Superintendent.

RAJIV SHAKDHER, J

JULY 31, 2020
PMC/KK

[Click here to check corrigendum, if any](#)

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