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

+ **W.P. (CRL) 1287/2020**

SURENDER KUMAR

..... Petitioner

Through Mr Sarthak Maggon, Advocate.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through Ms Kamna Vohra, ASC for State with
SI Pankaj Kumar PS Vasant Vihar.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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31.08.2020

[Hearing held through video conferencing]

1. The petitioner has filed the present petition seeking emergency parole on the ground that the petitioner needs medical attention and requires to maintain social ties with his cousin brother.
2. The learned counsel appearing for the petitioner states that a punishment was imposed on the petitioner on 30.01.2020, as a mobile phone and two SIM cards had been recovered from the room which was occupied by the petitioner and one another inmate. He submits that the other inmate has already been granted parole by an order dated 31.07.2020 passed by a Co-ordinate Bench of this Court in W.P. (CRL) 1058/2020.
3. In terms of the Rule 1210 (II) of the Delhi Prison Rules, 2018 it is necessary that for the prisoner's conduct to be uniformly good for a period of one year if he has been awarded any minor punishment. Concededly, in

this case the petitioner was imposed a minor punishment. Thus, in terms of Rule 1210 (II) of the Delhi Prison Rules, 2018 the petitioner is ineligible for grant of parole till 29.01.2021.

4. Insofar as the order dated 31.07.2020 passed by a Co-ordinate Bench of this Court in W.P. (CRL) 1058/2020 is concerned, it is seen that the said order was passed as at the material time the concerned District & Sessions Judge had not apprised the punishment imposed on the petitioner therein. The Court was of the view that since the said punishment had not been apprised, the argument that the petitioner therein would not be ineligible for parole was not sustainable. In the present case, the punishment imposed on the petitioner has been apprised. The status report indicates that the concerned District & Sessions Judge also afforded the petitioner an opportunity to be heard through video conferencing.

5. In view of the above, the decision of the competent authority to reject the petitioner's application for parole cannot be faulted. The petition is accordingly dismissed.

6. It is clarified that all rights of the petitioner, if any, to challenge the jail punishment are reserved.

VIBHU BAKHRU, J

AUGUST 31, 2020
pkv