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

+ **W.P.(CRL) 1286/2020**

RAM @ RAM DASS

..... Petitioner

Through Mr Siddharth Yadav, Advocate.

versus

STATE (GOVT. NCT OF DELHI)

..... Respondent

Through Mr Amit Peshwani, Advocate for
Ms Nandita Rao, ASC for State.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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28.08.2020

[Hearing held through video conferencing]

1. The petitioner has filed the present petition, *inter alia*, praying for parole for a period of ninety days. The petitioner's application for parole had been rejected by an order dated 26.08.2020 passed by the Competent Authority.
2. The said order dated 26.08.2020 indicates that the petitioner's application for parole had been rejected in terms of Rule 1210 (II) and 1210 (IV) of the Delhi Prison Rules, 2018.
3. In terms of Sub-rule (II) of Rule 1210, the conduct of a prisoner is required to be uniformly good for a period of two years if he has been awarded a major punishment and one year if he has been awarded any minor punishment.
4. It is stated that the petitioner was released on parole on 24.09.2019 for a period of four weeks and he was required to surrender on 23.10.2019 but he surrendered six days late on 29.10.2019.

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5. In addition to the above, the impugned order also indicates that the petitioner had jumped furlough granted to him with effect from 27.05.2016 to 10.06.2016 and had surrendered three days late. He was required to surrender on 10.06.2016 but he surrendered three days late on 14.06.2016.

6. The nominal roll indicates that the petitioner was convicted for life imprisonment by an order on sentence dated 05.11.2009 and he has served twelve years, four months and twenty-nine days of actual custody as on 25.08.2020. During the said period, he has earned remission of two years, ten days and twenty-eight days.

7. Apart from the above, the petitioner was also imposed minor punishment on 20.12.2019 as he had absented himself from the work allotted to him without assigning any reason. In view of the above, the petitioner's *Mulakat* had been stopped for a period of fifteen days.

8. Mr Siddharth Yadav, learned counsel appearing for the petitioner submits that the petitioner had surrendered six days late in October, 2019 on account of the fact that his son was severely ill and was getting treatment from Ram Manohar Lohiya Hospital. He has also provided the documents for the treatment of his son and the said punishment is yet to be apprised. He also submitted that on 31.01.2020, this Court had granted the petitioner parole for a period of one week. The petitioner was released on 31.01.2020 and had duly surrendered on 08.02.2020 and there is no allegation that he had misused the said liberty. He further states that although the petitioner had jumped furlough on earlier occasions, the same pertained to the year 2016 and the petitioner has already served the punishment imposed.

9. Mr Yadav's contention is that the incident of his jumping furlough in the year 2016 is more than four years old and therefore, is not required to be

considered. He further submits that the punishment, if any, imposed on the petitioner would have been duly served by him and he has been released on parole on more than one occasion thereafter.

10. Insofar as the petitioner's conduct in jail during the last two years is concerned, it is seen that the petitioner had admittedly surrendered late by six days after he was released on parole for a period of four weeks. Even if it is accepted that the said delay in surrendering is *bona fide*, it is seen that the petitioner was again imposed punishment on 20.12.2019, as he had absented himself from the work allotted to him without assigning any reason. His *Mulaquat* was stopped for fifteen days. The punishment imposed on him was apprised by the concerned District & Sessions Judge. It is seen that the same is a minor punishment and therefore, the petitioner's conduct is required to be uniformly good for at least one year before he is eligible for for parole.

11. In view of the above, this Court finds no fault in the finding of the competent authority denying the petitioner's application for parole.

12. It is clarified that if the petitioner continues to maintain good conduct, he would be at liberty for parole after 20.12.2020. Needless to state that if such an application is filed it shall be considered sympathetically.

13. The petition is disposed of with the aforesaid observations.

VIBHU BAKHRU, J

AUGUST 28, 2020

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