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

\+ **W.P.(CRL) 1358/2020**

SANJAY KUMAR @ SANJAY ..... Petitioner

Through: Mr Sharad Malhotra, Advocate.

versus

THE STATE ..... Respondent

Through: Mr Rajesh Mahajan, ASC for State with Ms Jyoti Babbar, Advocate for respondent.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

% 31.08.2020

[Hearing held through video conferencing]

1. The petitioner has filed the present petition, *inter alia*, praying that he be released on parole.

2. The petitioner states that he had applied for emergency parole but no decision with regard to the same has been communicated to him. Mr Mahajan, learned ASC appearing for the State states that the petitioner's application for parole was considered and the same was rejected by an order dated 11.04.2020 as it was found that the petitioner's conduct in jail was not satisfactory.

3. The petitioner was sentenced to life imprisonment for committing an offence punishable under Section 302 of the IPC along with a fine in default of which, he would have to undergo simple imprisonment for a further

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period of six months. The petitioner's appeal against his conviction and order on sentence (Crl.A.988/2011) was dismissed by this Court on 07.02.2014.

4. The nominal roll indicates that the petitioner has undergone actual custody of twelve years, nine months and nineteen days as on 14.08.2020. During the said period, the petitioner has also earned remission of two years and fifteen days. It is seen that the petitioner has thus served almost fifteen years of his prison sentence.

5. The nominal roll also indicates that several punishments have been imposed on the petitioner. The last punishment was imposed on 31.03.2016 and the petitioner's *mulaaqat* was stopped for one week. This punishment was imposed as the petitioner was found roaming in the ward during the lock time and misbehaving with the jail staff.

6. The nominal roll indicates that the petitioner was released on parole for a period of three weeks in terms of order dated 28.07.2016. There is no allegation that he had misused his liberty. It is also seen that the petitioner's conduct after 31.03.2016 has been satisfactory (which is for more than four years).

7. In terms of Rule 1210 (II) of the Delhi Prison Rules, 2018, a prisoner is eligible for parole if his conduct has been uniformly good for a period of one year after, if any minor punishment has been imposed. The punishment of stopping *mulaaqat* for a period of one week is a minor punishment and therefore, the petitioner would have been ineligible for parole for a period of one year, thereafter. However, as noticed above, the petitioner's conduct in the jail during the past four years has been satisfactory and in terms of Rule 1210 (II) of the Delhi Prison Rules, 2018 his application for parole cannot

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be rejected on the ground that his conduct has been unsatisfactory.

8. In view of the above, this Court considers it apposite to direct the competent authority to consider the petitioner's application for parole afresh bearing in mind the observations made by this Court in this order. The fresh decision on petitioner's parole application could be communicated to the petitioner as expeditiously as possible and in any event, within a period of ten working days from today.

9. The petition is disposed of with the aforesaid directions.

VIBHU BAKHRU, J

AUGUST 31, 2020
MK

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