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

+ **W.P. (CRL.) 1401/2020**

DEVENDER KUMAR

..... Petitioner

Through : Mr. Arpit Bhalla, Advocate.

versus

**THE STATE OF
DELHI**

..... Respondent

Through : Mr. Amit Peswani, Advocate
for Ms. Kamna Vohra, ASC for
State.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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07.09.2020

The petitioner, who is a convict serving sentence in 06 cases under section 138 of the Negotiable Instruments Act ('NI Act', for short), seeks parole.

2. The ground for seeking parole is that the petitioner's mother passed away on 26.08.2020; that the petitioner was not allowed to attend her cremation on 27.08.2020 but now needs to perform the last rites and ceremonies for his deceased mother on 07.09.2020 and 13.09.2020.

3. It is stated in the petition that the petitioner had moved parole application dated 26.08.2020 before the jail administration, at the time when his mother was seriously ill, but the same was declined.

4. Notice in this petition was issued on 04.09.2020. Status report dated 04.09.2020 has been filed, which confirms that the petitioner's mother passed away on 27.08.2020. It is also recorded that the petitioner's father and brother have already passed away on 15.12.2013 and 24.04.2000.

5. A separate status report dated 05.09.2020 received from the Jail Superintendent along with nominal roll dated 05.09.2020, records a total of 07 cases in which the petitioner has been convicted, all being under section 138 of the NI Act; of which, substantive sentence in 02 cases is yet to be served. The status report further says that the default sentence in lieu of payment of fine in all 07 cases is also yet to be served.

6. Be that as it may, considering the ground cited for seeking parole, namely the post-demise ceremonies in respect of the petitioner's mother which are to be performed by the petitioner, this court is persuaded to grant to the petitioner *parole* for a period of 02 (two) 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. 25,000/- with 01 surety of the like amount 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 application;
- c. The petitioner shall present himself before the SHO, PS: Nangloi, every Friday between 11 am and 11:30 am to mark

his presence. However, he will not be kept waiting for longer than one hour for this purpose;

- d. The petitioner shall furnish to the 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. If the petitioner has a passport, he shall surrender the same to the Jail Superintendent;
 - f. The petitioner shall not indulge in any act or omission that is unlawful or that would prejudice the proceedings pending in the cases, if any;
 - g. Upon expiry of the period of parole, the petitioner shall surrender before the concerned Jail Superintendent.
- 7. Nothing in this order shall be construed as an expression on the merits of the pending matters, if any.
 - 8. The petition is disposed of in above terms.
 - 9. Other pending applications, if any, also stand disposed of.
 - 10. A copy of the order be sent to the Jail Superintendent.

ANUP JAIRAM BHAMBHANI, J.

SEPTEMBER 07, 2020

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