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

+ W.P.(CRL) 1852/2019

VIJAY @ SANTI

..... Petitioner

Through: Mr Hemant Gulati and Mr Himendra,
Advocates.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr Amanpreet Singh, Advocate for
Mr Rahul Mehra, SC for State with SI
Shashi Kant, PS Geeta Colony, Delhi.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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22.01.2020

1. The petitioner has filed the present petition, *inter alia*, praying that the petitioner may be granted parole for a period of six weeks. The petitioner had applied for parole on the ground that he desires to file a Special Leave Petition before the Supreme Court against the order of this Court dismissing his appeal (Crl.A.1321/2012, which was dismissed by an order dated 08.09.2014).
2. The petitioner's application was rejected by an order dated 04.07.2019. The said order records that the petitioner had applied for parole on the ground "to take care of his mother whose kidney stone surgery was scheduled to be fixed for 29.01.2019." The said order also indicates two reasons for rejecting the application. First, that his conduct in the jail is unsatisfactory on account of punishments imposed on him on 23.05.2018

and 25.05.2018; and second, that an FIR was filed against him under Sections 392/397/412/120B/34 IPC, registered with PS Khyala for an offence allegedly committed while he was availing furlough.

3. It is now conceded that no punishment had been imposed on the petitioner on 23.05.2018 and 25.05.2018. Further, the petitioner had not applied for parole on the ground that his mother's surgery was scheduled on 29.01.2019.

4. It is, thus, apparent that the impugned order dated 04.07.2019 is *ex facie* erroneous. In the aforesaid view, the impugned order is set aside and the matter is remanded to the competent authority to consider afresh. The competent authority is directed to re-examine the petitioner's application in accordance with law and communicate its decision as expeditiously as possible and, preferably, within a period of four weeks from today.

5. The petition is disposed of in the aforesaid terms.

6. Order *dasti* under signatures of the Court Master.

JANUARY 22, 2020
MK

VIBHU BAKHRU, J