

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P. (CRL) 1913/2019

versus

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

[Hearing held through videoconferencing]

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

3. The petitioner has filed the present application seeking early hearing of the above caption petition.

4. For the reasons stated in the application, the same is allowed.

5. The petitioner has filed the present petition, *inter alia*, praying that the Jail Authorities be directed to release the petitioner on parole for a period of two months to enable him maintain social ties. The petitioner's application for parole had been rejected in view of Rule 1210 (IV) of the Delhi Prisons

Rules, 2018. The petitioner has been granted parole for a period of one month with effect from 01.10.2018 to 01.11.2018, however, the petitioner did not surrender but was arrested in FIR No. 38658/2015 under Section 379/411 IPC, P.S. Jamia Nagar. On an earlier occasion he had surrendered one day late.

6. It is seen that the FIR No. 38658/2015 was subsequently compounded and the petitioner was released. Further, almost a year has elapsed since the petitioner's application for parole was rejected. The nominal roll as on 21.10.2019 indicates that his conduct in jail for the last one year has been satisfactory except for a warning issued to him on 16.07.2019.

7. The petitioner has been in actual custody for over eleven years, one month and twenty-six days as on 21.10.2019 and during the said period he had earned remission of One year, Seven Months and Twenty-Nine days. Thus, it is seen that the petitioner has served more than thirteen years of his sentence. The petitioner is not involved in any other case. It is also observed that the petitioner has been granted interim bail and parole on several occasions and apart from the instance where he was involved in another case, there is no allegation that he has misused his liberty.

8. In view of the above and considering that almost one year has elapsed since the petitioner's application for grant of parole was rejected, this Court directs the concerned authorities to consider the present petition as petitioner's fresh application for parole. If it is ascertained that his conduct in jail has been satisfactory and no punishment has been imposed on him after 16.07.2019, the petitioner's application would be considered by sympathetically.

9. The concerned authorities shall communicate their decision to the

petitioner as expeditiously as possible and preferably within a period of two weeks from today.

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

VIBHU BAKHRU, J

JUNE 23, 2020

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