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

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Order pronounced on 31.05.2022

+ W.P.(CRL) 305/2022

ANIL@PAPPU

..... Petitioner

Through: Ms. Gayatri Nandwani, Advocate.

versus

STATE (GNCTD OF DELHI)

..... Respondent

Through: Ms. Kamna Vohra, ASC for State
with SI Upendra Pandey, PS Seema
Puri.**CORAM:****HON'BLE MR. JUSTICE TALWANT SINGH****TALWANT SINGH, J.:**

1. In the present petition, the order under challenge is of refusing to release the petitioner on parole. The said order dated 24.12.2021 is reproduced here under:

“Sub:- Release on parole, of the convict Anil @ Pappu S/o Sh. Baldan Singh, in case FIR No. 346/1997, U/s 452/302/323/506/34 IPC & 27/54/59 Arma Act, PS Seema Puri.

With reference to your office letter no. F.14/SCJ-14/AS(CT)/PAROLE/2021/4203 dated 18.11.2021, on the subject cited above, I am to inform you that the request in respect of the said convict for grant of parole has been considered and rejected by the Hon'ble Lt. Governor of Delhi in view of the fact that as per nominal roll, the above said convict was on regular bail from 01.12.2000 to 31.03.2016 by the order of the Hon'ble High Court of Delhi. The above said convict did not surrender in jail after dismissal of his appeal, wherein Court ordered to surrender within four weeks but the said convict re-arrested on 12.08.2019.

The convict may be informed accordingly.”



2. The petitioner has prayed that the said order be set aside and he be released on parole for a period of four weeks.

3. Notice was issued. Status report has been filed, in which it has been submitted that the present convict was convicted on 16.03.2000 and was ordered to undergo RI for life in case FIR No. 346/1997 under Section 452/302/323/506/34 IPC & 25/54/59 Arms Act, registered at PS Seemapuri, Delhi.

4. The Criminal Appeal bearing No. 225/2000 was filed by the convict before this Court, which was dismissed on 31.03.2016 and he was ordered to surrender within four weeks but he did not surrender, rather he was rearrested on 12.08.2019. The petitioner has already undergone about 7 years of imprisonment and his conduct is stated to be satisfactory.

4.1 The only ground for rejection is that after dismissal of his appeal, the present convict did not surrender for more than three years and he was only rearrested on 12.08.2019. Learned counsel for the petitioner submits that the petitioner was not aware about the dismissal of his appeal.

5. This is not a valid ground as the petitioner cannot feign ignorance about an order passed by this Court in his appeal. He ought to have surrendered after dismissal of appeal.

6. In view of this, no fault can be found with the impugned order dated 24.12.2021 rejecting his application for grant of parole. The writ petition is without any merit and the same is accordingly dismissed.

TALWANT SINGH, J

MAY 31, 2022/pa

Click here to check corrigendum, if any