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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Order pronounced on: 12.05.2022*+ **W.P.(CRL) 315/2022****SONU**

..... Petitioner

Through: **Mr. Paranjay Chopra, Advocate**

versus

**STATE NCT OF DELHI**

..... Respondent

Through: **Ms. Kamna Vohra, ASC with SI  
Prateek Sanwal, PS S.P. Badli.****CORAM:****HON'BLE MR. JUSTICE TALWANT SINGH****TALWANT SINGH, J.:**

1. The writ petition has been filed for issuance of writ in the nature of Certiorari quashing the order no. file CD No.F.18/162/2012/HG/1797 dated 01.12.2021 passed by the respondent and for issuance of writ in the nature of Mandamus directing the respondent to release the petitioner on parole for a period of three months.

1.1 It has been submitted that the petitioner is confined in jail and has already undergone incarceration of 14 years in actual. He approached the competent authority for grant of parole for three months on the ground of maintaining social and family ties and to arrange finance for subsistence for his family. His request was rejected by competent authority on 01.12.2021.

1.2 The petitioner is aggrieved by the impugned order. He has moved the present writ petition on the ground that the rejection order is against the basic tenets of law and equal treatment is prescribed under Article 14 of the Constitution of India; rejection has been done on the basis of stereotype grounds; the petitioner is facing trial in the alleged crime committed by him during his parole and the same is yet to be proved against him; he has



already been granted bail in case FIR No. 177/2020, under Section 336/506/34 IPC, registered at PS Begumpur in which he was alleged to have been involved during parole; this court has already granted parole to another convict under the same facts and circumstances and the petitioner has been undergoing sentence honestly and diligently.

2. The status report has been filed. The house of the appellant was visited for verification. The petitioner is stated to be married and his wife lives with his son aged 7-8 years and his young daughter at Jahangir Puri, Delhi. This house belongs to the brother of the petitioner, who also lives in the same house. The wife of the petitioner does not have any job or personal earnings and the expenses of the family of the petitioner are being borne by his brother. The petitioner does not have any movable and immovable assets. In June, 2020, appellant was out of jail on parole when he got involved in another crime and he was arrested on 12.06.2020 in case FIR No. 177/2020 u/s 336/506/34 IPC and section 25/27 Arms Act PS Begampur, Delhi. So, the grant of parole to the present petitioner has been firmly opposed.

3. The nominal roll of the present petitioner shows that he was convicted under Section 302/307/34 IPC on 24.05.2011 and was sentenced to undergo RI for Life and fine of Rs.10,000/- under Section 302/34 and under Section 307 IPC, he was awarded three years RI and the fine of Rs. 5,000/- and both the sentences were ordered to be run concurrently.

4. The appeal filed by the present petitioner was dismissed by the High Court on 20.04.2012. He has already undergone 14 years of sentence apart from a remission of about 1 year and 10 months. His overall conduct is stated to be unsatisfactory. There are seven instances mentioned about his



unsatisfactory jail conduct including the one when he committed another crime while on parole in the year 2020. He has even jumped parole on 26.11.2012 and he was re-arrested 20.04.2014. Under these circumstances his parole was rejected on 01.12.2021 by GNCT of Delhi.

5. I have heard learned counsel for the petitioner as well as learned APP for the State. The parole rejection order is on record and the same is reproduced hereunder:-

**“GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI  
HOME (GENERAL) DEPARTMENT  
5th LEVEL, "A" WING, DELHI ACHIVALAYA, I.P. ESTATE, DELHI**

**No. F.18/162/2012/HG/1797  
Dated 01.12.2021**

To

*The Superintendent  
Tihar, Delhi*

*Jail No. 1*

*Central Jail  
Tihar ihar. New Delhi*

*I/C Dak Section  
Central*

*Asstt. Supd'*

**Sub:- Release on parole, of the convict Sonu S/o Veera. in case FIR No.-  
403/2006, U/s 302/307/34 IPC. PS- S.P. Badli.**

Sir,

*With reference to your office letter no. F.1/SCJ-1/SQ-1/AS(CT)/2021/1750 dated 02.11.2021, 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 followings:-*

*1. The convict is not entitled for parole in view of Rule 1210 sub rule (III) & (IV) of Delhi Prison Rules-2018, which states that:-*

*(III) :- "During the period of release on parole or furlough, if granted earlier, the convict should not have committed any crime".*

*(IV) :- "The convict should not have violated any terms and conditions of the parole or furlough granted previously". In this case, he was released on 10.04.2020 on 08 weeks of Emergency Parole which was further extended for the period of 08 weeks and the date of surrender was fixed for 01.08.2020 but the said convict was arrested in a fresh case and send to jail on 14.06.2020.*



2. Further, the overall jail conduct of the convict is reported to be unsatisfactory being multiple punishments.

*The convict may be informed accordingly.*

*Yours faithfully*

*Sd/-*

*Dy. Secretary: (Home)”*

6. There is no explanation regarding violation of Rule 1210(III) & (IV) of Delhi Prison Rules, 2018 as during his parole in the year 2020, the present petitioner had committed another crime for which case FIR No. 177/2020 under Section 336/506/34 IPC and section 25/27 Arms Act was registered at PS Begampur. Although his conduct during the last one year was satisfactory but his overall conduct was unsatisfactory as detailed above. It is to be noticed that he had jumped parole in the year 2012 and he could be re-arrested after about 1½ years on 20.04.2014.

7. Keeping in view the abovesaid facts and circumstances, this Court is not inclined to grant parole to the present petitioner and there is no illegal infirmity in the order dated 01.12.2021 rejecting his application for grant of parole.

8. The petition is without any merit and the same is hereby dismissed.

**TALWANT SINGH, J**

**MAY 12, 2022/mr**

*Click here to check corrigendum, if any*