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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) 956/2022

RAJ KUMAR @ BHOLA

..... Petitioner

Through: Mr. Shiv Chopra, Ms. Nishtha Jain
and Ms. Aadhyaa Khanna, Advocates.

versus

STATE (GNCT OF DELHI)

..... Respondent

Through: Mr. Rajesh Mahajan, ASC and Mr.
Ranjeet Kamal Bora, Advocate for
State.**CORAM:****HON'BLE MR. JUSTICE TALWANT SINGH****TALWANT SINGH, J.:**

1. The present petition has been filed for issuance of a mandamus, directing the respondent to release the petitioner on parole for a period of four weeks. It has been submitted that the petitioner has been languishing in Jail for more than 13 years and 10 months.

1.1 He moved an application for parole in February, 2022 for maintaining social ties and to reconnect with his family and society. It was rejected by the competent authority vide order dated 25.03.2022. Being aggrieved, the present petition has been filed on the grounds that the petitioner has duly gone through the major punishment awarded to him in the past and his conduct in the previous 2 years has been consistent and satisfactory.

1.2 It has been submitted that denial of benefit to the petitioner simply on the strict interpretation of Rule 1211 of Delhi Prison Rules, 2018 goes against the very object of parole. The petitioner is working as *Vidhi Sahayak* in Jail and he deserves another opportunity to make amends for his previous conduct.



1.3 It has been submitted that there is no possibility of him absconding or fleeing away from Justice.

2. Notice was issued. Status report has been filed along with the nominal roll.

3. It has been submitted that the convict, Raj Kumar was convicted on 19.01.2011 to undergo RI for life with a fine of Rs. 5,000/-. The criminal appeal filed by the convict before the High Court was decided on 20.04.2015 and the sentence was upheld. He has already undergone 13 years and 11 months of actual custody. His conduct during last one year has been found to be satisfactory but in 2017 he jumped his furlough, which was granted to him for three weeks from 01.03.2017 to 22.03.2017 and he could be rearrested only on 06.07.2019.

4. I have heard both the parties.

5. The relevant portion of the order of rejection of parole is reproduced here under:

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

1210 sub rule (IV)- "The convict should not have violated any terms and conditions of the parole or furlough granted previously. In this case, 03 weeks furlough w.e.f. 01.03.2017 to 25.03.2017 was granted to the above said convict by the order of DG (Prisons) and convict jumped furlough and re-arrested on 06.07.2019.

2. As per Rule 1211 of Delhi Prison Rule-2018, which provide that "In the following cases, parole shall not be granted, except if in the discretion of the competent authority special circumstances exist for grant of parole:

(X) If prisoner is convicted for murder after kidnapping for ransom. In this case as per crime detail, said convict held guilty for committing murder of one Ashok @ Bunty for ransom. Further, no special circumstances exit for grant of



parole.

3. As per nominal roll the overall jail conduct of said convict reported to be unsatisfactory.

4. Further, as per report received from the office of the DG (Prison), grant of parole to the above said convict is not recommended at the stage.”

6. In my view, as the petitioner had jumped the furlough of three weeks and he remained at large for more than two years and he could be rearrested only on 06.07.2019, there is still an apprehension that if he is released on parole, he may jump the same again.

7. It is not a question of strict interpretation of the rules but rather it is a case of interpreting the Prison Rules in right context.

8. Learned counsel for the petitioner has relied upon an order passed in W.P. (CRL) 2376/2021, titled ‘*Vinod Vs. State of NCT of Delhi*’ in which a coordinate bench on 04.02.2022 had allowed the petition for grant of parole. In the said case, *de hors* Rule 1210 and 1218 of Delhi Prison Rules, the Court was pleased to allow this writ petition.

8.1 As per Rule 1211, which has been invoked in the present case, the parole is an exception, which was not the case in the judgement cited on behalf of the present petitioner.

9. In my view, the application for parole was rightly rejected and at this stage, present petition cannot be allowed and the same is without any merit. The petition is accordingly dismissed.

TALWANT SINGH, J

MAY 31, 2022

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[Click here to check corrigendum, if any](#)