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

+ **W.P.(CRL) 1329/2023**

GAURAV CHADHA

..... Petitioner

Through: **Mr. Sunil Upadhyay, Adv.**

versus

STATE NCT OF DELHI

..... Respondent

Through: **Mr. Saransh Adv. for Ms. Nandita Rao, ASC for State with SI Sudeep Punia, PS Vikas puri.**

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Date of Decision: 24th May, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present petition has been filed under Section 482 Cr. PC seeking parole for three months in case FIR No. 217/09 registered at PS Vikas Puri under sections 364A/302/201/34 IPC. The petitioner is in custody after having been convicted in FIR No. 217/09 registered at PS Vikas Puri under Sections 364A/302/201/34 IPC.
2. Earlier, the petitioner had moved a W.P. (Crl) 1048/2023 which was disposed of vide order dated 20.04.2023. The competent authority

was *inter alia* directed to decide the application of the petitioner within one week. Pursuant to this, the competent authority vide order dated 26.04.2023 rejected the application of the petitioner relying upon Rule 1211 of Delhi Prisons Rules, 2018.

3. The Rule 1211 of Delhi Prisons Rules, 2018 provides that the Parole shall not be granted on many grounds including if prisoner is convicted for Murder after kidnapping for ransom except if in the discretion of the competent authority, special circumstances exist for the grant of parole.
4. Further, the learned counsel for the petitioner submits that the competent authority did not consider the special circumstances including the health condition of his father who is suffering from abnormal movements, and brain injury and requires neurosurgery.
5. The state has filed the status report. In the status report, it has been submitted that the address of the petitioner i.e. I-68A, Street No. 1, 9New Mahavir Nagar, Tilak Nagar, Delhi has been verified, and on inquiry, it revealed that the petitioner is the only son of the parents and his father Sh. Baljesh Chadha suffered a head injury in an incident of fall on 02.04.2023 and presently is under treatment in RML Hospital, Delhi for the same.
6. Taking into the account the facts and circumstances, the present petition is allowed. The petitioner is directed to be released on parole for a period of four weeks from the date of release, subject to :

- a. his furnishing personal bond with one local surety in the sum of Rs.25,000/- to the satisfaction of the Jail Superintendent;
- b. he shall duly surrender at the end of the period of parole;
- c. he shall provide his mobile phone number to the Jail Superintendent at the time of his release, which shall be kept in working condition at all times. The same shall not be changed without prior intimation to the Jail Superintendent;
- d. he shall also not indulge in any criminal activity during the period of parole.

7. In view of the above, the present petition stands disposed of.

8. A copy of this order be communicated to the Jail Superintendent.

DINESH KUMAR SHARMA, J

MAY 24, 2023

Pallavi

मात्यमेव जयते