



\$~68

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

+ **W.P.(CRL) 216/2024**

MANOJ

..... Petitioner

Through: **Mr. Mohit Chaurasia, Advocate**

versus

STATE NCT OF DELHI

..... Respondent

Through: **Mr. Rahul Tyagi, ASC (Crl.) for the State with Ms. Priya Rai, Mr. Sangeet Sibou, Mr. Jatin, Mr. Aashish Chojar, Advocates and Inspector D.R. Singh and SI Vijay Kumar, P.S. Sadar Bazar, Delhi**

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

31.01.2024

%

1. The instant petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of petitioner seeking issuance of writ of mandamus or any other writ granting 1st spell of furlough in case bearing FIR No. 81/2010 registered at Police Station Sadar Bazar for offence punishable under Sections 302/34B of Indian Penal Code, 1860 ('IPC').
2. The petitioner is presently confined in Central Jail No. 02, Tihar, New Delhi. By virtue of judgment dated 13.03.2019, the petitioner was convicted under Sections 302/34 of Indian Penal Code, 1860 ('IPC') in case arising out of FIR bearing No. 81/2010, registered at Police Station, Sadar Bazar,



Delhi and was sentenced to undergo imprisonment for life by the learned Additional Sessions Judge, Tiz Hazari Court, Delhi. His appeal against conviction i.e., CRL.A. 619/2019 was dismissed by this Court *vide* judgment dated 06.11.2019.

3. Learned ASC appearing on behalf of the state and draws this Court's attention to the fact that the petitioner was rearrested during emergency parole on 04.11.2020 in relation to another case. Therefore, the petition be dismissed.

4. On the other hand, learned counsel for the petitioner states that since present petition has been filed seeking furlough but since the petitioner has to attend death anniversary of her grandmother and considering the urgency of the matter, the petitioner be granted parole. It is further stated that the petitioner had been granted Parole by this Court from 17.08.2023 to 13.09.2023 and that the petitioner had not misused the said liberty.

5. This Court has heard arguments on behalf of learned counsel for the petitioner as well as learned ASC for the State and has perused the material on record.

6. This Court notes that the counsel for the petitioner has orally submitted that considering the urgency of the matter, i.e., the petitioner needs to attend death anniversary of his grandmother scheduled on 01.02.2024, he be granted Parole instead of Furlough.

7. While considering the present writ petition for grant of parole, the Court also has to remain conscious of the fact that the petitioner has been awarded rigorous imprisonment for life and that as per the Nominal Roll, the petitioner has been in judicial custody for 13 years and 1 months without remission and 01 years and 04 months with remission.



8. This Court has taken note of the nominal roll wherein it is mentioned that the petitioner had been re-arrested in another case while being on emergency parole in the year 2020 and the fact that the petitioner had been granted Parole by this Court from 17.08.2023 to 13.09.2023. This Court observes that the petitioner had not misused the liberty granted to him while on parole in the year 2023.

9. This Court cannot overlook the circumstances and the family exigencies that may have arisen in the family of the petitioner. Needless to say, while dealing with an issue relating to grant of Parole to a convict, the Courts are required to balance the interests of convict as well as of the society. However, the Courts are also required to consider cases, such as present one, with sensitivity and compassion, and an opportunity may be provided to the petitioner to join his grandmothers' death anniversary scheduled on 01.02.2024.

10. The address of the petitioner has been verified by the Investigating Officer (IO) and the report in this regard is on record.

11. Considering the aforesaid facts and circumstances, this Court is inclined to grant parole to the petitioner for a period of one week from the date of his release on the following conditions:

- i. The petitioner shall furnish a personal bond in the sum of Rs.10,000/- with one surety of the like amount, to the satisfaction of the Jail Superintendent.
- ii. The petitioner shall report to the SHO of the local area once a week on every Sunday between 10:00 AM to 11:00 AM.
- iii. The petitioner shall furnish a telephone/mobile number to the Jail Superintendent as well as SHO of local police station, on



which he can be contacted if required. The said telephone number shall be kept active and operational at all the times by the petitioner.

iv. Immediately upon the expiry of period of parole, the petitioner shall surrender before the Jail Superintendent.

v. The period of parole shall be counted from the day when the petitioner is released from jail.

12. In above terms, the present petition stands disposed of.

13. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 31, 2024/ns

Click here to check corrigendum, if any