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

+ W.P.(CRL) 217/2024

AMRIK SINGH

..... Petitioner

Through: Mr. Ashutosh Kaushik, Adv.

versus

STATE (GNCT OF DELHI)

..... Respondent

Through: Mr.Rahul Tyagi, ASC (Crl.),
Ms.Priya Rai, Mr.Sangeet
Sibou, Mr.Jatin, Mr.Mathew
Phillip, Advs. with SI Rashmi
Dhariwal.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

19.03.2024

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1. This petition has been filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') praying for a direction for the petitioner to be released on Parole for a period of three months in FIR No.256/1992 under Sections 302/452/34 of the Indian Penal Code, 1860 (in short, 'IPC') registered at Police Station: Mangol Puri, Delhi.

2. The application filed by the petitioner for being released on Parole has been rejected by the Competent Authority, vide its Order dated 04.01.2024 (hereinafter referred to as the 'Impugned Order'), observing as under:

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

1. 1210 sub rule (III):- "During the



- period of release on parole or furlough, if granted earlier, the convict should not have committed any crime”.*
2. *1210 sub rule (IV):-“The convict should not have violated any terms and conditions of the parole or furlough granted previously”. In this case, as per nominal roll, the aforesaid convict did not surrender on time from furlough in year 2017, 2021 and 2022. The above said convict has also surrendered late after parole availed w.e.f. 29.07.2020 to 08.09.2020.*

Further, he was arrested during period of furlough in DD No.10, dated 13.03.2022, u/s 107/151 Cr. P.C., PS-Rohini, Delhi.”

3. The learned counsel for the petitioner submits that the petitioner could not surrender on time in the year 2017, however, was granted Furlough in the years 2021 and 2022 as well. He submits that the same, therefore, cannot be a ground to reject the application of the petitioner to be released on Parole.
4. As far as the delay in surrendering in the year 2020 is concerned, he submits that it was due to the confusion on the date of surrender when he was released under the HPC Guidelines during the period of the Covid-19 pandemic.
5. As far as 2022 is concerned, he submits that the petitioner had to undergo a procedure at the Safdarjung Hospital, where he was admitted during the relevant period, and information thereof was sent to the Superintendent, Central Jail. He submits that therefore, the rejection of the application of the petitioner on the ground that the petitioner had earlier failed to surrender on time, cannot be sustained.



6. He further submits that as far as the petitioner being involved in case under Sections 107/151 of the Cr.P.C. is concerned, the petitioner has been wrongly involved in the said case and, in any case, for the provisions that are invoked, the petitioner should not be denied the opportunity of being released on Parole.

7. On the other hand, the learned ASC (Crl.) reiterates that the petitioner, on earlier occasions, had failed to surrender on time. He further submits that the petitioner is involved in 13 cases of crime of heinous nature, including the Maharashtra Control of Organised Crime Act, 1999 (in short, 'MACOCA'), Arms Act, 1959, etc.. He submits that even while he was released on Furlough, the petitioner was involved in yet another case of Breach of Peace. He submits that, therefore, this time, the indulgence was rightly not granted to the petitioner by the Competent Authority.

8. I have considered the submissions made by the learned counsels for the parties.

9. As far as the delay in the petitioner surrendering before the authorities in 2017 is concerned, in spite of the same, the petitioner was granted Furlough in the years 2021 and 2022. The petitioner has also been able to explain the reasons for the delay in his surrendering in the years 2021 and 2022. The Court finds the explanation to be satisfactory.

10. As far as the involvement of the petitioner in DD Entry No.10 dated 13.02.2022 with Police Station: Rohini South, Delhi, while the petitioner was released on Furlough is concerned, the case has been registered under Sections 107/151 of the Cr. P.C. In my opinion, the



same should not act as a bar on the petitioner being granted Parole. It is to be kept in mind that Parole is a progressive measure of correctional services in order to enable the petitioner to re-establish social ties and to motivate him to maintain discipline.

11. In view of the above, the Impugned Order dated 04.01.2024 is set aside.

12. Accordingly, this Court sees no impediment in granting parole to the petitioner. The petitioner is enlarged on parole for a period of four weeks from the date of his release, on his furnishing personal bond in the sum of Rs.20,000/- with one local surety of the like amount to the satisfaction of the Jail Superintendent, and further subject to the conditions as follows:-

- a) During the period the petitioner remains out on parole, the petitioner shall report to the concerned SHO/Duty Officer on every Saturday.
- b) He shall surrender his passport, if any, to the Court concerned and shall, under no circumstances, leave Delhi without prior permission of the Court concerned;
- c) He shall provide his mobile number(s) to the Investigating Officer and keep it operational at all times and shall not switch off or change the mobile number without prior intimation to the SHO/Duty Officer concerned. The mobile location be kept on at all times;
- d) He shall not indulge in criminal activity of any nature whatsoever and shall not communicate with or come in contact with the complainant/victim or any member of the



complainant/victim's family;

e) In case of change of residential address and/or mobile number, the same shall be intimated to the SHO/Duty Officer by way of an affidavit;

f) the petitioner shall surrender before the Jail Authorities positively after the expiry of the period of Parole.

13. The petition is disposed of in the above terms.

14. Copy of the Order be sent to the Jail Superintendent for information and necessary compliance.

NAVIN CHAWLA, J

MARCH 19, 2024/Arya/AS

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