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

+ **W.P.(CRL) 258/2024**

SWARNKANTA

..... Petitioner

Through: Mr. Biswajit Kumar Patra, Mr. Prakash Singh Rana, Mr. Kushagra Kaustubh Ojha, Mr. Vaibhav Jain and Mr. Meesam, Advocates

versus

STATE

..... Respondent

Through: Ms. Nandita Rao, ASC for the State with Inspector Suresh Chand, P.S. Khyala.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

29.01.2024

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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 grant of emergency parole for a period of three months in case FIR bearing no.280/2012, registered at Police Station Khyala, Delhi for offences punishable under Sections 302/34 of the Indian Penal Code, 1860 ('IPC').
2. Issue notice. Ms. Nandita Rao, learned ASC accepts notice on behalf of State.
3. Learned counsel for the petitioner states that the mother of the petitioner has unfortunately expired on 12.01.2024 and the same was



informed to him on 16.01.2024. It is stated that petitioner has applied for emergency parole for carrying out last ceremonies of her mother. It is further submitted that petitioner has already remained in judicial custody for 12 years (besides the remission) and during the period of incarceration, no adverse report is recorded in the jail record against the petitioner herein. It is also stated that petitioner has earlier been released on furlough and emergency parole and has always surrendered on time and has never misused the liberty so granted to her. Therefore, it is prayed that petitioner be granted parole.

4. Learned ASC for the State, on the other hand, submits that the factum of death of mother of the petitioner has been verified in the Status Report and the same is on record.

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. Considering the aforesaid facts and circumstances, and that petitioner's mother has expired on 12.01.2024, this Court is inclined to grant parole to the petitioner for a period of (01) month from the date of her release on the following conditions:

- i. The petitioner shall furnish a personal bond in the sum of Rs.15,000/- 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.
7. In above terms, the present petition stands disposed of.
 8. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 29, 2024/zp

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