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

+ **W.P.(CRL) 284/2024**

MOHD WASIM

..... Petitioner

Through: Mr. Kanhaiya Singhal, Mr. Ujwal Ghai, Mr. Prasanna, Ms. Vani Singhal, Mr. Ajay Kumar, Mr. Udit Bakshi, Mr. Anmol Chopra, Mr. Teeksh Singhal and Ms. Deepali Pawar, Advocates.

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Yasir Rauf Ansari, ASC (Crl.) for State with Mr. Alok Sharma and Mr. Vasu Agarwal, Advocates with SI Ranjana, PS: Subzi Mandi.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

30.01.2024

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1. This petition has been filed on behalf of the Petitioner Mohd. Wasim S/o Sh. Salim under Article 226 of the Constitution of India read with Section 482 Cr.P.C., seeking a direction to the Respondent to expeditiously decide the application filed by the Petitioner seeking parole on ground of marriage of his sister on 03.02.2024 or in the alternative grant parole for two months imposing any condition that this Court may deem appropriate.
2. Petitioner was convicted under Section 376D IPC in case arising out of FIR No.172/2014 registered at PS: Subji Mandi, vide judgment dated 21.09.2017 and vide order dated 10.10.2017, he was sentenced to undergo life imprisonment (which shall mean imprisonment for the remainder of



convict's life) and pay a fine of Rs.5,000/- and in default of payment of fine, to undergo simple imprisonment for one year. Petitioner challenged the judgment of conviction and order on sentence before this Court in an appeal bearing Criminal Appeal No. 1118/2017, which was dismissed by a Division Bench of this Court vide judgment dated 26.06.2023, however, his sentence of imprisonment under Section 376D IPC was modified from "life for the remainder of convict's natural life" to "life imprisonment". Fine and sentence in default remained unaltered. At present, Petitioner is confined in Central Jail, Mandoli, New Delhi.

3. Status report has been filed by the State confirming that the marriage of Petitioner's sister is being solemnized on 03.02.2024 at Village Andar, District Siwan, Bihar. It is stated that the wedding card appended to the petition is genuine and enquiries made from the bus driver of the bus in which the other relatives are travelling on 27.01.2014, fortifies the factum of marriage.

4. I have heard learned counsel for the Petitioner as well as learned ASC for the State and perused the Status Report.

5. Rule 1200 of the Delhi Prison Rules, 2018 enumerates the objectives behind releasing a prisoner/inmate on parole and furlough and a plain reading of the provision reflects that one of the solemn aims and objectives is to enable the prisoner to maintain continuity with his family life and deal with familial and social matters. Rule 1200 of the said Rules reads as follows :-

"1200. The objectives of releasing a prisoner on parole and furlough are:

i. To enable the inmate to maintain continuity with his family life and deal with familial and social matters,



- ii. To enable him to maintain and develop his self- confidence,*
- iii.To enable him to develop constructive hope and active interest in life,*
- iv. To help him remain in touch with the developments in the outside world,*
- v. To help him remain physiologically and psychologically healthy,*
- vi. To enable him to overcome/recover from the stress and evil effects of incarceration, and*
- vii. To motivate him to maintain good conduct and discipline in the prison...”*

6. From the status report, it is evident that Petitioner’s sister’s marriage has been fixed for 03.02.2024 and all arrangements have been made for the same. Learned counsel for the Petitioner urges that being the brother, he is required to perform certain rituals and ceremonies and be released on parole to fulfil the family obligations. Case of the Petitioner, in my view, is covered under Rule 1200(i) aforementioned. Co-ordinate Bench of this Court in ***Kundan Singh v. The State (Govt.) of NCT of Delhi in W.P. (Crl.) 2027/2022*** has emphasised that sensitivity and compassion ought to be balanced with rules and regulations as Courts are dealing with humans and not mere files. This petition is thus allowed, granting parole to the Petitioner for a period of three weeks from the date of his release, subject to the following conditions:-

- 1) Petitioner shall furnish a personal bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the Jail Superintendent;
- 2) He shall report to the SHO of the local Police Station, once a week;
- 3) He shall furnish his mobile number to the Jail Superintendent as



- well as SHO of local Police Station, on which he can be contacted, if required and the same shall be kept active and operational at all the times;
- 4) He shall surrender before the concerned Jail Superintendent on expiry of the parole period. Period of parole will be counted from the date of release of the Petitioner.
7. Petition stands disposed of in the aforesaid terms.
8. A copy of this order be communicated to the concerned Jail Superintendent for information and necessary compliance.

JYOTI SINGH, J

JANUARY 30, 2024/shivam