



\$~75

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

+ **W.P.(CRL) 729/2024**

VIKAS SIDHU

..... Petitioner

Through: **Mr. Sidharth Yadav, Advocate.**

versus

STATE OF NCT OF DELHI

..... Respondent

Through: **Mr. Rahul Tyagi, ASC (CRL) for the State.**

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

% **22.03.2024**

CRL.M.A. 9419/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.A. 9418/2024 (for early hearing)

3. The present application under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of the petitioner seeking early hearing of the instant writ petition being W.P.(CRL) 729/2024.
4. Learned counsel appearing on behalf of the petitioner has informed this Court that the mother of the petitioner herein has unfortunately passed away today, i.e. on 22.03.2024.
5. In view of the foregoing, the application is allowed and the matter is taken up for hearing.
6. The application is disposed of accordingly.

W.P.(CRL) 729/2024



7. Learned counsel appearing on behalf of the petitioner submits that unfortunately, mother of the petitioner has passed away on 22.03.2024 and that the presence of the petitioner is required to perform all the rituals and last rites of his mother as the petitioner is the only son of the deceased. It is further submitted that though, the instant writ petition was filed seeking furlough, however, considering the emergency of the matter, he be granted parole for a period of 04 weeks.

8. Learned ASC for the State has on instructions, informed the Court, that the concerned SHO has made enquiries and verified the factum of death of the mother of petitioner herein. It is therefore submitted that considering the emergency in the matter, the State has no objection if the petitioner is granted parole.

9. This Court has heard arguments on behalf of both the parties and has perused the material placed on record.

10. This Court notes that out of 20 years of imprisonment awarded to the petitioner, he has already undergone 19 years of incarceration and that the overall conduct of the petitioner in jail has been good as per nominal roll. It is further noted that the petitioner was previously granted parole from 18.12.2023 to 31.01.2024 by this Court and that the petitioner did not misuse the liberty granted to him and had surrendered on time.

11. Considering the fact that the factum of death of mother of applicant/petitioner herein has been verified, and he being the only son needs to attend and perform all the rituals and last rites of his mother, thus, this Court is inclined to grant parole for a period of 04 weeks from the date of his release, on the following conditions:

“(i) The petitioner shall furnish one personal bond



in the sum of Rs. 10,000/- to the satisfaction of the Jail Superintendent.

(ii) The petitioner will report once a week on every Sunday to the local SHO of the concerned Police Station between 11 AM and 11:30 AM for marking his appearance. However, the petitioner will not be kept waiting for longer than one hour at the police station during such visits;

(iii) The petitioner shall furnish to the SHO a cell phone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;

(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 writ petition stands disposed of.
13. Copy of this order be communicated electronically to the concerned Jail Superintendent, *expeditiously*, for information and compliance.
14. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MARCH 22, 2024/at