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

+ **W.P.(CRL) 796/2024**

BIKRAMJIT SINGH

..... Petitioner

Through: Mr. Faraz Maqbool, Adv. (DHCLSC)
& Ms. Sana Juneja, Adv.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) for the State with Ms. Priyam
Aggarwal, Adv.alongwith Sudhir
Rathi, P.S. Burari.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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02.04.2024

1. The present petition under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C. seeks the following prayers:-

“ a. Issue a writ in the nature of Mandamus directing the respondent to release the petitioner on parole for a period of two months;

b. Pass any other order or further orders, which this Hon'ble Court deems fit and proper in the interest of justice;”

2. Learned counsel for the petitioner submits that the latter had applied for regular parole by way of an application on 05.10.2023 for ‘filing of a SLP/ maintaining social ties with family and society’. The said application for parole has been rejected *vide* order dated 15.01.2024 passed by the competent authority stating that the SLP could be filed in jail itself where legal aid services are available to all prisoners.

3. Learned counsel for the petitioner fairly submits that in the meantime SLP on behalf of the petitioner has been filed by the Legal Services



Authority through jail. It is pointed out that the petitioner had written to the Legal Services Authority for withdrawing his request to file SLP through their behalf on account of inordinate delay. Despite that, it is a matter of record that SLP has been filed. Learned counsel for the petitioner submits that in alternative, the request for maintaining social ties may be considered for the present petition.

4. Learned Standing Counsel appearing on behalf of the State submits that as per the jail manual, there has to be one month gap from the previous period of furlough, which in this present case was granted to the petitioner on 15.01.2024.

5. Heard learned counsel for the parties and perused the record.

6. The nominal roll dated 28.03.2024 received from Superintendent of Prison, Central Jail No. 3, Tihar, New Delhi reflects that the present petitioner had availed the period of furlough from 15.01.2024 and had surrendered on 06.02.2024. Although a separate application has not been moved by the present petitioner for maintaining social ties, however, considering the fact that the same was asked for in the application dated 05.10.2023, it can be considered at this stage as well. The aforesaid nominal roll reflects that the present petitioner has been released on furlough on various occasions and had duly surrendered and not misused the liberty granted to him. Nominal roll further reflects that the applicant has undergone a sentence of 12 years.

7. In totality of the facts and circumstances, the present petition is partly allowed. The petitioner is enlarged on parole for a period of four weeks from the date of release, subject to furnishing a personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand Only) with one surety of the like amount to



the satisfaction of the Jail Superintendent, subject to following conditions:

- i. During the period the petitioner remains out on parole, the petitioner shall report to the SHO, P.S. Burari, Delhi, on every Saturday, at 12 noon, and will not be kept waiting for more than an hour.
 - ii. The petitioner shall also provide the SHO of P.S. Burari with mobile telephone number which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the SHO concerned. The mobile location be kept on at all times.
 - iii. The petitioner shall not leave the National Capital Territory of Delhi during the period of parole, without the prior permission of this Court.
 - iv. The petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the complainant/victim or any member of the complainant/victim's family.
 - v. The petitioner is directed to surrender before the jail authorities at the expiry of the period of parole.
8. It is further made clear that the petitioner during this period, if he so wishes, can clarify his stand with respect to the SLP already filed on his behalf by the concerned Legal Services Authority.
9. The petition is partly allowed and disposed of accordingly.
10. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
11. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

APRIL 02, 2024/nk

Click here to check corrigendum, if any