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

+ **W.P.(CRL) 951/2024**

MAHIPAL

..... Petitioner

Through: Anurag Jain and Ms Sonal Singh,
Advocates.

versus

STATE(GOVT. OF NCT OF DELHI)

..... Respondent

Through: Ms Rupali Bandhopadhyaya, ASC for
the State with Mr Sagar Mehlawat,
Advocate.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

10.05.2024

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1. The present petition has been filed against the impugned letter/order/communication no.18/135/2016/HG/558 dated 29.02.2024, whereby the request of the petitioner seeking parole has been rejected on the ground that two accused persons in the present FIR No.0072/1992 under Sections 302/342/330/34 IPC registered at PS Welcome, Delhi, are absconding after they were granted parole in the years 2017 and 2020. It is also recorded in the impugned order that ordinarily a convict cannot be granted parole simultaneously to the parole of the co-accused in view of Rule 1212(2) of Delhi Prison Rules, 2018.

2. Learned counsel for the petitioner invites the attention of the Court to the latest nominal roll of the petitioner, to contend that the petitioner has been granted furlough on number of occasions and in the year 2023 itself the



petitioner was granted furlough on three occasions and every time the petitioner surrendered timely without default. Further, the conduct of the petitioner during last one year in the jail has been reported to be satisfactory in the nominal roll.

3. The aforesaid position is not disputed by the learned Additional Standing Counsel for the State.

4. Considering the fact that on earlier occasions the petitioner has been granted furlough and he has duly surrendered within the prescribed time period, the reason for rejection of petitioner's application seeking parole is not sustainable.

5. Accordingly, the writ petition is allowed and the impugned order dated 29.02.2024 is set aside. Resultantly, it is directed that the petitioner may be released on parole for a period of four weeks from the date of his release subject to his furnishing a Personal Bond in the sum of Rs. 5,000/- and one Surety Bond of the like amount to the satisfaction of the Jail Superintendent, further subject to the following conditions:-

a) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.

b) Petitioner shall not indulge in any criminal activity.

6. Upon expiry of period of four weeks as stated above, the petitioner shall surrender before the concerned Jail Superintendent.

7. The petition is disposed of.

8. Copy of the order be communicated to the concerned Jail Superintendent for necessary compliance.



9. Order be uploaded on the website of this Court.
10. Order *dasti* under signatures of the Court Master.

MAY 10, 2024
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VIKAS MAHAJAN, J