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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1025/2024**

PURAN

..... Petitioner

Through: Mr.Kanishk Ahuja and Ms.Neha
Bhardwaj, Advocates

Versus

STATE OF NCT OF DELHI AND ORS.

..... Respondents

Through: Mr.Amol Sinha, ASC with Mr.K
Garg and Mr.Ashvini, Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
01.04.2024

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CRL.M.A. 9683/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(CRL) 1025/2024

1. The present petition has been filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking setting aside of order dated 21.02.2024 passed by Deputy Secretary (Home) whereby petitioner's request for parole was found to be not covered by Rule 1211 of the Delhi Prison Rules, 2018 and consequently rejected the same.
2. Learned counsel for the petitioner submits that the petitioner had earlier approached this Court vide W.P.(CRL) 2556/2022 with a similar prayer, which came to be allowed vide order dated 25.01.2023. A copy of



the said order has also been placed on record.

4. Issue notice.

5. Learned ASC for State accepts notice and submits that the petitioner is a convict under Section 6 POCSO Act and that he has been sentenced to rigorous imprisonment for life alongwith a fine of Rs.5,000/-. Petitioner's appeal against the conviction stands dismissed by this Court vide order dated 13.07.2022 passed in Crl. Appeal No. 352/2021 and no SLP was preferred. He further submits that petitioner's prayer for parole was rejected as the same was not found to be covered under special/exceptional conditions, in order to qualify under Rule 1211 of Delhi Prison Rules, 2018 for the grant of parole.

6. A copy of the order dated 25.01.2023 which has been placed on record, is perused. In the said order, a Coordinate Bench of this Court took note of the orders passed by other Benches of this Court in Gautam v. State of NCT of Delhi in **W.P.(C) No. 2063/2020**, Sanjay v. State of NCT of Delhi in **W.P. (C) No. 873/2020** and Anis v. State in **W.P (C) No. 963/2016**, to observe that the parole has been granted in the similar circumstances.

7. Nominal roll of the petitioner has been placed on record, as per which, he has undergone 5 years 4 months and 28 days as on 26.02.2024. The factum of the daughter being aged about 28 years has already been verified in the earlier proceedings. Vide order dated 25.01.2023, the petitioner was granted parole for a period of four weeks. It is the case of the petitioner that in the said short period, he could not arrange a suitable match for his daughter.

8. Considering that the petitioner was earlier released on parole as also the fact that he is not found involved in any other case and the further fact



that his last release was on 25.01.2023, it is directed that the applicant be released on parole for a period of six weeks from the date of his release, subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/Duty M.M./concerned Court and subject to the following conditions :-

- i) During the period the petitioner remains out on parole, the petitioner shall report to the SHO, Police Station- Kapashera, Delhi on every Saturday.
- ii) The petitioner shall also provide the SHO, Police Kapashera, Delhi with mobile number which shall be kept in working condition at all times and he shall not switch off or change the mobile number without prior intimation to the SHO concerned. The mobile location shall 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 or tamper with the evidence of the case.
- v) The petitioner shall surrender upon expiry of the parole period.

9. The petition is disposed of in the above terms.

10. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.



11. Copy of the order be uploaded on the website forthwith.

MANOJ KUMAR OHRI, J

APRIL 1, 2024

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