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

+ **W.P.(CRL) 1165/2024**

MAHMAN SINGH @ MONU

..... Petitioner

Through: Mr. Aman Panwar (DHCLSC) and
Mr. Shivam Singh, Advs.

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Yasir Rauf Ansari, ASC with Mr.
Alok Sharma and Mr. Vasu Agarwal,
Advs. for State with SI Bharat Singh,
PS Uttam Nagar

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
07.05.2024

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1. The present petition has been filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking following relief:

*“a. Issue a writ in the nature of Certiorari quashing the rejection order no. F. 18/420/2014/HG/393-94 Dated 13.2.2024 passed by the respondent; and
b. Issue a writ in the nature of Mandamus directing the respondent to release the petitioner on Parole for a period of two months”*

2. Learned counsel appearing on behalf of the petitioner submits that the application of the petitioner seeking grant of parole has been rejected on the ground that on an earlier occasion when the petitioner was granted parole he did not surrender within the stipulated time.



3. He submits that the petitioner was granted parole on an earlier occasion during pandemic and after his release the said emergency parole was extended from time to time by the State Government as well as by the judicial orders therefore the petitioner lost track of the actual date on which he was expected to surrender. Further, there is nothing on record to suggest that the petitioner was intimated of the date of surrender.

4. The learned counsel has placed reliance on the decision of a coordinate bench of this Court in ***Raja Ram @Chota Raja vs. State of NCT of Delhi*** [W.P.(Crl.)2285/2023] to contend that in similar circumstances, this Court was pleased to quash the order of rejecting the request of parole.

5. It is also not in dispute that on various other occasions when the petitioner was granted furlough or parole, he never misused the liberty so granted to him and always surrendered within the stipulated period of time. It is not in dispute that the petitioner has served the sentence of 13 years and 2 months besides remission of 3 years and 8 months.

6. The status report which has been filed by the State shows that the address of the petitioner stands verified.

7. Considering the aforesaid circumstances and the above noted decision of a coordinate bench of this Court in ***Raja Ram*** (supra), this Court finds that the impugned order dated 13.02.2024 rejecting the parole of the petitioner is not sustainable. Accordingly, the same is set aside and the petitioner is granted 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.10,000/- 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 and shall not communicate with or come in contact with the witnesses.

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

9. The petition is allowed, in the above terms.

10. Copy of the order be forwarded to the Jail Superintendent for information and necessary compliance.

11. Order *dasti* under the Signatures of the Court Master.

12. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

MAY 7, 2024

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