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

+ **W.P.(CRL) 1362/2024**

OM PRAKASH

..... Petitioner

Through: Mr. Faraz Maqbool, Ms. Sana Juneja
and Mr. Chandan Kumar, Advs.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Rahul Tyagi, ASC for the State
along with SI Ravi Shankar, P.S.
Patel Nagar.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

03.05.2024

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CRL.M.A. 13355/2024 (exemption)

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

W.P.(CRL) 1362/2024

3. The present petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') filed on behalf of petitioner seeking following prayer:-

“a) Issue a Writ in nature of Mandamus or any other writ directing the Respondent to release the Petitioner on Parole for a period of twelve (12) months in view of facts and circumstances mentioned in the present Petition.”



4. Learned counsel appearing on behalf of the petitioner submits that *vide* order dated 19.05.2023, this Court in W.P.(CRL) 1276/2023 had granted parole to the present petitioner for a period of 8 weeks. It is submitted that by way of present petition, the petitioner seeks grant of parole for a further period of 12 months on account of his medical condition as he is completely bed-ridden and suffering from several medical issues *inter alia* including severe asthma, type-II respiratory failure, chronic obstructive lung disease, arthritis, which have led to deformities in his hands, kidney issues, bed sore from continuous laying on the bed, etc. It is, therefore, prayed that petitioner be released on parole.

5. Issue notice. Learned Additional Standing Counsel for the State accepts notice.

6. In the present case, this Court had granted parole to the petitioner for a period of 08 weeks, *vide* order dated 19.05.2023 in W.P. (Crl.) 1276/2023, after considering the facts that petitioner had remained in judicial custody for about 12 years and 08 months, and he had been granted furlough on about 20 occasions and he had not misused the liberty, and in view of the medical condition of the petitioner which was not disputed by the State.

7. In the present writ petition, the Predecessor Bench of this Court had, *vide* order dated 13.07.2023, extended the date of surrender of the petitioner till the next date of hearing. This interim order was extended on all successive dates of hearing.

8. In view of the aforesaid, and considering the medical condition of the petitioner, this Court is inclined to grant parole to the petitioner for a period of three months, on same terms and conditions which were imposed *vide* order dated 19.05.2023, passed in W.P. (Crl.) 1276/2023 and the same are



reproduced as under:-

- “a. The petitioner shall furnish a personal bond in the sum of Rs. 10,000/- one surety of the like amount, to the satisfaction of the Jail Superintendent.
- b. During the period of parole, the petitioner shall inform the Jail Superintendent about the details of his address in Delhi where he shall ordinarily reside during the period of parole.
- c. The petitioner shall furnish a telephone/mobile number to the Jail Superintendent on which he can be contacted, if required. Such telephone/mobile number shall be kept switched-on and operational at all times.
- d. If petitioner has a passport, he shall also surrender the same to the Jail Superintendent.
- e. The petitioner shall not indulge in any criminal or illegal activities during the period of parole.
- f. Immediately upon the expiry of the period of parole, the petitioner shall surrender before the Jail Superintendent.
- g. The period of parole shall be counted from the day when the petitioner is released from jail.”

- 9. In view of the above, the present petition stands disposed of.
- 10. Copy of the order be forwarded to the concerned Jail Superintendent.
- 11. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MAY 03, 2024/A

Click here to check corrigendum, if any