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

+ **W.P.(CRL) 2051/2023 & CRL.M.A. 21717/2023**

DINESH KUMAR

..... Petitioner

Through: Mr. Siddharth Yadav, Advocate

versus

STATE (GNCT OF DELHI)

..... Respondent

Through: Mr. Sanjeev Bhandari, ASC for the
State with SI Manvendra,
ARSC/Crime Branch.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

23.01.2024

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1. The instant petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of petitioner seeking grant of parole for a period of eight weeks to re-establish social ties with family members and society and for filing SLP before the Hon'ble Supreme Court of India.
2. Issue notice. Mr. Sanjeev Bhandari, ASC accepts notice on behalf of State.
3. The petitioner herein was arrested in the year 2010 pursuant to filing of present FIR. The petitioner was convicted by way of judgment of learned Additional Sessions Judge in case FIR bearing no. 256/2010, registered at Police Station Vikas Puri, Delhi for the offences punishable under Sections 302/364A/201 of IPC, subsequently the this Court *vide* judgement dated



23.12.2022 was pleased to dismiss the abovementioned appeal and uphold the conviction of the petitioner which in the present case is rigorous imprisonment for life and a fine of Rs. 1,20,000/-.

4. Learned counsel for petitioner states that petitioner has been in judicial custody for last about 12 years and 2 months. It is argued that the petitioner had moved application for grant of parole, *vide* W.P. (CRL) No. 773/2023 where this Court disposing the writ petition directed the concerned authority to decide the application within two weeks which was rejected. The petitioner seeks grant of parole to file SLP against the order of this Court and avail the legal remedies available to him. The petitioner also seeks to re-establish ties with family members and the society.

5. Learned ASC for the State submits that the request of the said convict was considered by the Lt. Governor of Delhi was rejected and the conduct of the convict was found to be unsatisfactory. It was stated that the reason for dismissal of application were very clear and the convict was not fit for grant of parole.

6. This Court has heard arguments addressed by learned counsel for the petitioner and learned ASC for the State and has perused the material on record.

7. The petitioner herein has sought grant of parole for eight weeks on the ground of parole to file SLP against the order of this Court and avail the legal remedies available to him. The petitioner also seeks to re-establish ties with family members and the society. This Court notes that as per the nominal roll, the jail conduct of the petitioner of last one year has been satisfactory and that he has not been awarded any minor or major punishment in the jail and last punishment awarded to him by the jail



authorities was in the year 2020 and more three years have passed since then.

8. Considering the overall facts and circumstances of the case, and the fact that the petitioner has to re-establish social ties with family members and society and to file SLP, this Court is inclined to grant parole to the petitioner for a period 04 weeks, subject to following conditions:

- i. The petitioner shall furnish a personal bond in the sum of 10,000/- with one surety of the like amount, to the satisfaction of the Jail Superintendent.
- ii. The petitioner shall surrender his passport, if any, to the Jail Superintendent before his release.
- iii. The petitioner shall report to the SHO of the local area, once a week on every Sunday at 10:00 AM and shall not leave the National Capital Territory of Delhi during the period of parole.
- iv. The petitioner shall furnish his mobile number to the Jail Superintendent as well as to the SHO of the concerned Police Station on which he can be contacted if required. The said mobile number shall be kept active and operational at all times by the petitioner.
- v. The petitioner shall not indulge in any criminal activity during the period of parole.
- vi. Immediately upon the expiry of period of parole, the petitioner shall surrender before the concerned Jail Superintendent.
- vii. During this period, co-accused will not be released on parole/furlough.
- viii. The period of parole shall commence from the date of actual



release of petitioner.

9. Accordingly, the present petition stands disposed of.
10. Copy of this order be sent to Jail Superintendent concerned.
11. The order be uploaded on the website forthwith.

JANUARY 23, 2024/zp

SWARANA KANTA SHARMA, J

Click here to check corrigendum, if any