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

+ **W.P.(CRL) 1653/2024**

SUMIT @ CHHATELA

..... Petitioner

Through: **Mr. Aman Panwar, Adv.**

versus

STATE NCT OF DELHI

..... Respondent

Through: **Mr. Rahul Tyagi, Mr. Jatin, Mr. Mathew M. Philip and Mr. Sangeet Sibou, Advs.**

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

05.06.2024

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1. The present petition has been filed impugning the order of the competent authority dated 23.04.2024, whereby the application of the petitioner seeking grant of parole has been rejected. The parole was sought by the petitioner on the ground that he was suffering from jaundice since long.
2. However, *vide* impugned order the application of the petitioner was rejected on the ground that the parole has been sought for the reason that the petitioner is suffering from jaundice for which he is being treated in the jail hospital and his general condition is stable.
3. The learned counsel for the petitioner submits that the petitioner was



convicted for the offence under Sections 307/34 IPC and was sentenced to undergo imprisonment for a period of 3 years.

4. He invites the attention of the Court to the nominal roll dated 14.05.2024 to contend that unexpired portion of the sentence is only 3 months 14 days as on 13.05.2024.

5. He submits that it is not in dispute that the petitioner is suffering from jaundice for past six months as is evident from the impugned order.

6. Notice was issued in the application with a direction to the State to file status report. The status report has been filed, the same is on record.

7. A perusal of the status report shows that address of the petitioner has been verified. However, apprehension has been expressed in the status report that the petitioner may indulge in criminal activity.

8. It is not in dispute that the maximum sentence awarded to the petitioner is 3 years and he has already undergone sentence of 2 years and 7 months approximately without remission.

9. The factum that the petitioner is suffering from jaundice for the past 6 months is also not in dispute, rather the said fact is borne out from the impugned order itself. Insofar as apprehension expressed in the status report, the same can be dispelled by imposing appropriate conditions.

10. In view of the above, the petition is allowed and the impugned order is set aside. Consequently, it is directed that the petitioner may be released on parole for a period of 30 days 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.

11. Upon expiry of period of 30 days as stated above, the petitioner shall surrender before the Jail Superintendent.
12. The petition stands disposed of.
13. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.
14. Order be uploaded on the website of this Court.
15. Order *dasti* under signatures of the Court Master.

JUNE 5, 2024
N.S. ASWAL

VIKAS MAHAJAN
(VACATION JUDGE)