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

+ **W.P.(CRL) 2732/2023**

VIKAS SIDHU

.....Petitioner

Through: Mr. Sanjeev Kumar Baliyan
DHCLSC with Mr. Birbhay Sharma
and Ms. Jyoti Garg, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Bhandari, Ld. ASC for
State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **04.09.2024**

**CRL.M.A. 22482/2024 (under Section 482 Cr.P.C on behalf of the
petitioner seeking Issuance of Production Warrant)**

1. An application has been filed for issuance of Production Warrant of the petitioner.
2. Learned counsel for the respondent has no objection is the application is disposed of and the petition is taken up today on merits.

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3. A Writ Petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C has been filed with a prayer that the petitioner be shifted to Semi Open Jail.
4. It is submitted that petitioner is in jail for the last about 19 years and four months. He was convicted and was sentenced in 2017 and has



continued to be in jail. It is submitted that his request to be transferred to Semi Open Jail was rejected under the Policy of 2019, however, the same is not applicable to him. Looking at his good conduct as reflected in his Nominal Roll and also that only 9 months of sentence remains to be undergone, a prayer is made that he may be shifted to Semi Open Jail.

5. Learned counsel for the respondent on instruction submits that the Meeting would be held in next two months in which, the case of the petitioner shall be considered. However, it is also submitted that under the Policy, 2019 because the convict has not completed 7 years of jail as a convict, he is not eligible under the Policy.

6. **Submissions heard.**

7. The petitioner has been in incarceration for more than 19 years. His conviction is of 2017, while the Policy relied upon by the respondent is of 2019 which on the face of it is not applicable to the petitioner.

8. Considering that he has undergone more than 19 years of incarceration and as per the Nominal Roll his conduct has been good, the Jail Authorities are directed to shift him to Semi Open Jail in accordance with the Rules.

9. The petition is accordingly allowed and disposed of.

10. The next date of 03.12.2024 stands cancelled.

NEENA BANSAL KRISHNA, J

SEPTEMBER 4, 2024/va