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

+ **W.P.(CRL) 2087/2024**

RAHUL KUMAR

.....Petitioner

Through: Mr. Siddharth Yadav, Advocate.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel
and Mr. Yasir Rauf Ansari, ASC for
the State.

SI Pancham Kumar, PS Sadar Bazar

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

29.07.2024

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1. The present writ petition under Article 226 of the Constitution of India read with Section 528 of BNSS has been filed by the Petitioner for grant of parole for a period of 60 days on the ground that the daughter of the Petitioner is suffering from Gall bladder stone.
2. Material on record indicates that the Petitioner had earlier approached this Court by filing the W.P.(CRL) 1841/2024 for grant of parole on the ground that his daughter was to undergo the gall bladder surgery. This Court vide Order dated 19.06.2024 disposed of the said writ petition with a direction that the application of the Petitioner for parole which was pending before the authorities should be disposed of in a time bound manner.
3. The Petitioner has filed the present petition primarily stating that the said application has yet not been disposed of by the authorities.



4. Status report has been filed. The status report indicates that the file is with the Hon'ble Lieutenant Governor and, therefore, the application for parole has yet not been decided.
5. This Court has perused the nominal roll of the Petitioner which indicates that the Petitioner has already undergone about 13 years and 9 months of incarceration. Though material on record indicates that the Petitioner was granted parole on 18.10.2023 on the ground of medical condition of the elder daughter of the Petitioner and also on the ground that the wife of the Petitioner had delivered a baby girl, it is an admitted fact that the surgery of the daughter has not been conducted and the Petitioner has surrendered on 17.11.2023.
6. Though the medical documents filed by the Petitioner do not give any date of surgery of the daughter of the Petitioner, the learned Counsel appearing for the Petitioner states that the Petitioner may be granted parole in order to get medical advice on the future course of treatment of the daughter of the Petitioner. He states that the wife of the Petitioner is not well educated and will not be in a position to approach the doctors to get proper medical advice for the daughter.
7. Considering the fact that the Petitioner has spent more than 13 years in custody and also the fact that the Petitioner's wife has delivered a child on 27.09.2023 and that there is no other person to get the daughter of the Petitioner examined by a doctor, this Court is inclined to grant parole to the Petitioner for period of four weeks, subject to the Petitioner furnishing a personal bond in the sum of Rs.10,000/- to the satisfaction of the Trial Court/Jail Superintendent/Magistrate.
8. The Petitioner is directed to surrender immediately after four weeks



from the date of release from the jail.

9. It is made clear that the Petitioner has to make arrangements for the treatment of his daughter, including surgery, if so advised by the doctor. It is also made clear that no further parole will be granted to the Petitioner on this ground.

10. With these observations, the petition is disposed of, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

JULY 29, 2024

S. Zakir