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

+ W.P.(CRL) 2319/2024

SALEEM

.....Petitioner

Through: Mr. Ashutosh Kaushik, Advocate.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Peswani, Advocate for Ms.
Nandita Rao, ASC (Crl.) for the State
with SI Sangeeta, P.S.: S.B. Dairy.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

01.08.2024

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By way of the present petition filed under Article 226 of the Constitution of India read with section 528 of Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), the petitioner seeks release on parole for a period of 03 months. The petitioner had applied to the jail authorities for parole *vide* application dated 22.02.2024. The application has still not been decided.

2. Mr. Ashutosh Kaushik, learned counsel appearing for the petitioner submits, that the petitioner has already served more than 11 years of imprisonment, counting remission; and was also released on emergency parole during the Covid-19 pandemic.
3. Nominal Roll dated 07.07.2024 has been appended with the petition. Upon being queried, learned counsel appearing for the petitioner submits, that though, as reflected in the nominal roll, the petitioner had failed to surrender after expiration of the period of emergency parole, that happened by reason of confusion as to the date on which



he was required to surrender; and thereafter, the petitioner was rearrested.

4. In any case, it is submitted that the jail authorities must *decide* the parole application, which has been pending since February 2024.
5. In the circumstances obtaining in the matter, instead of issuing notice, the petition is disposed-of, directing the jail authorities to treat the present petition as an application seeking parole; which the jail authorities are directed to dispose-of within 03 weeks.
6. The petition is disposed-of in the above terms.
7. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

AUGUST 1, 2024/ak