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

+ **W.P.(CRL) 3765/2023**

JUNAID @ GULSHAN

.....Petitioner

Through: Mr. Vineet Jain, Mr. Shubham Gupta
& Mr. Mayank Jain, Advocates

versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC for the
State with

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

11.09.2024

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W.P.(CRL) 3765/2023

1. The present Writ Petition has been filed under Article 226 of the Constitution of India for grant of Parole to the Petitioner for a period of two months. It is submitted that the petitioner is confined to Tihar Jail in FIR No. 205/2013 registered at PS Mianwali Nagar. He has been convicted along with three other convicts for the offences under Section 302/323/34 IPC and sentenced *vide* Order dated 14.05.2019.

2. The Joint Appeal filed by the Petitioner and the other two convicts has been partly allowed in the terms of the Sentence awarded to the petitioner has been modified from Section 302 of IPC to Part I of Section 304 of IPC and

3. Sentence of his life imprisonment was modified to RI for 8 years. It is submitted that he was behind the bars during the Trial for almost three years



unless he was granted Regular Bail. Thereafter, he was again taken into custody on 14.05.2019 and was convicted by the learned Trial Court.

Till the sentence was suspended on 29.06.2020, the custody of the petitioner as on 21.11.2023 is of 5 years and 26 days and his sentence of further three years remain.

4. It is submitted that the Petitioner had applied for Parole for the purpose of filing SLP before the Apex Court and also to maintain his family and social ties. His entire Jail conduct is overall satisfactory and no punishment has been imposed on him in the last three years. However, his Application of Parole has been rejected by the Home Department, GNCTD *vide* Order dated 18.11.2023. The petitioner has thus made a prayer for Furlough for a period of two months.

5. The Status Report has been filed by the State and has been taken on record and the address of the petitioner has been verified.

6. **Submissions heard.**

7. Considering that he has been in custody since July, 2023 and earlier also he has already served a substantial period of sentence and his conduct has always been satisfactory, with no punishment awarded in the last three years, the petitioner be released on Parole for a period of six weeks, on the following terms and conditions:

- i. The petitioner shall furnish a personal bond in the sum of Rs.10,000/- with one surety of the like amount, to the satisfaction of the Jail Superintendent.
- ii. The petitioner shall report to the SHO of the local area once a week on every Sunday between 10:00 AM to 11:00 AM during the period of furlough.



- iii. The petitioner shall furnish a telephone/mobile number to the Jail Superintendent as well as SHO of local police station, on which he can be contacted if required. The said telephone number shall be kept active and operational at all the times by the petitioner.
 - iv. The petitioner shall ordinarily reside at the address mentioned in the petition.
 - v. Immediately upon the expiry of period of Parole, the petitioner shall surrender before the Jail Superintendent.
 - vi. The period of furlough shall be counted from the day when the petitioner is released from jail.
6. Petition accordingly disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 11, 2024/PT