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

+ **W.P.(CRL) 2750/2024**

VIPIN KUMAR

.....Petitioner

Through: **Mr. Zeeshan Diwan, Advocate
(DHCLSC).**

versus

STATE (NCT OF DELHI)

.....Respondent

Through: **Mr. Amit Peswani, Advocate for Ms.
Nandita Rao, ASC (Crl.) for the State.
Inspector Mahesh, P.S.: Dabri.**

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

09.10.2024

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By way of the present petition filed under Article 226 of the Constitution of India, the petitioner seeks release on parole for 04 weeks for maintaining social ties.

2. Notice on this petition was issued on 06.09.2024. Status report dated 23.09.2024 has been filed verifying the petitioner's address.
3. Mr. Zeeshan Diwan, learned counsel appearing for the petitioner submits, that the petitioner's parole application dated 02.07.2024 has not been decided by the jail authorities despite lapse of more than 03 months.
4. A copy of Nominal Roll dated 18.09.2024 has been handed-up in court by Mr. Amit Peswani, learned counsel appearing on behalf of Ms. Nandita Rao, learned ASC (Criminal) for the State. It shows that the petitioner has undergone more than 25 years of custody and has earned remission of almost 07 years; that he has been granted parole on 09 occasions and furlough on 22 occasions in the past and there is



no allegation that he has misused the liberty on those occasions. It further shows that the petitioner has been serving as *Canteen Sahayak*; his jail conduct has been ‘satisfactory’; and in fact, the nominal roll records a recommendation by the Jail Superintendent to the effect that the petitioner is “*recommended due to good behaviour*”, presumably for grant of parole/furlough.

5. Nominal Roll dated 18.09.2024 is taken on record.
6. Upon being queried, Mr. Peswani submits, that the concerned authorities have not rejected the petitioner’s application seeking parole but there has been some delay in deciding it by reason of certain administrative issues that were faced by the jail administration, which now stand resolved.
7. Mr. Peswani further points-out, that as recorded in the status report, the petitioner’s family have refused to give any statement in respect of the parole application, saying that they have no link with the petitioner. Mr. Diwan however submits, that the refusal by the family cannot be ground for denying parole, since the petitioner is entitled to it in law.
8. Upon an overall consideration of the matter, and in the circumstances obtaining in the case, this court is persuaded to allow the present petition, thereby granting to the petitioner – **Vipin Kumar s/o Yogender Babu** – parole for 04 weeks from the date of his release, subject to the following conditions :
 - 8.1. The petitioner shall furnish a personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand Only) with 01 surety in the like amount, to the satisfaction of the Jail Superintendent;



- 8.2. The petitioner shall not leave the National Capital Territory of Delhi without permission of this court and shall *ordinarily* reside at the address as per prison records;
- 8.3. The petitioner shall present himself before the S.H.O., P.S.: Dabri, Delhi every Monday between 11 am and 11:30 am to mark his presence. However, he will not be kept waiting longer than an hour for this purpose;
- 8.4. The petitioner shall furnish to the S.H.O., P.S.: Dabri, Delhi a cellphone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
- 8.5. If the petitioner has a passport, he shall surrender the same to the Jail Superintendent;
- 8.6. The petitioner shall not indulge in any act or omission that is unlawful or that would prejudice his return to custody after the period of parole; and
- 8.7. Upon expiry of the period of parole, the petitioner shall surrender before the Jail Superintendent.
9. The petition stands disposed-of in the above terms.
10. Pending applications, if any, are also disposed-of.
11. A copy of this order be sent to the concerned Jail Superintendent *forthwith*.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 9, 2024/ak