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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3477/2024**

SONU @ JEETU

.....Petitioner

Through: Mr. Sidharth Yadav & Mr.
Prashant Jain, Advs.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sanjeev Bhandari,
ASC (Criminal) along with
Ms. Charu Sharma, Mr.
Arjit Sharma, Mr. Vaibhav
Vats & Mr. Nikunj Bindal,
Advs.
SI Naresh Kumar, PS
Bhalsva Dairy.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **14.11.2024**
CRL.M.A. 33401/2024(exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. It is pointed out that the warning was issued to the petitioner for consuming the Morphine and a Cough syrup which were provided to the petitioner by the Jail Dispensary.
4. The said medicines are not narcotics substance, but admittedly are medicines which are available in the Jail and are provided by the Jail Authority on prescription. Therefore, the warning, in the opinion of this Court, cannot come in the way of the petitioner's application seeking parole. The same cannot be



taken as not a good conduct so as to disentitle the convict from grant of parole / furlough.

5. The petitioner is stated to have jumped parole on an earlier occasion. He was granted parole for four weeks with effect from 24.06.2021 to 22.07.2021, but he failed to surrender. He was rearrested on 08.01.2022.

6. Concededly, that was the time when the Covid-19 pandemic was at its peak. It is common knowledge that numerous convicts, at that time, could not surrender in time for some reason or the other.

7. Even otherwise, Rule 1211 of the Delhi Prisons Rules, 2018 provides that parole can be granted to such convicts who have jumped the parole with the discretion of the competent authority where special circumstances exist.

8. It is not disputed that the brother the petitioner expired on 29.10.2024. The petitioner may possibly be required to be with the family for various religious ceremonies. The same, in the opinion of this Court, is a special circumstance which entitles the petitioner for grant of parole.

9. In view of the above, the present petition is allowed and the petitioner is directed to be released on parole for a period three weeks, subject to the following conditions:

- i. The petitioner shall furnish a personal bond in the sum of ₹10,000/- with one surety of the like amount, who shall be a family member of the petitioner, to the satisfaction of the Jail Superintendent;
- ii. The petitioner shall contact the SHO of the local area, once a week on every Sunday at 10:00 AM and shall not leave Delhi during the period of parole;



- iii. The petitioner shall furnish his mobile number to the Jail Superintendent as well as to the SHO of the concerned Police Station on which he can be contacted if required. The said mobile number shall be kept active and operational at all times by the petitioner;
 - iv. The petitioner shall not indulge in any criminal activity during the period of parole;
 - v. Immediately upon the expiry of period of parole, the petitioner shall surrender before the concerned Jail Superintendent on or before the 29th day of his release;
 - vi. During this period, the other co-accused persons will not be released on parole/furlough.
10. The period of parole shall commence from the date of actual release of petitioner.
 11. The present petition is allowed in the aforesaid terms.
 12. The Jail Superintendent is directed to verify the sureties expeditiously.
 13. A copy of this order be sent to the Jail Superintendent for information and necessary compliance.

AMIT MAHAJAN, J

NOVEMBER 14, 2024

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