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

+ **W.P.(CRL) 3570/2024**

**DEEPAK VERMA**

.....Petitioner

Through: Mr. Siddharth Yadav and Mr.  
Prashant Jain, Advocates

versus

**STATE (NCT OF DELHI)**

.....Respondent

Through: Mr. Rahul Tyagi, ASC with SI  
Umesh Dalal PS Mundka

**CORAM:**

**HON'BLE MR. JUSTICE CHANDRA DHARI SINGH**

**ORDER**

**28.11.2024**

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1. The instant petition under Article 226 of the Constitution of India, 1950 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (earlier Section 482 of the Code of Criminal Procedure, 1973) has been filed on behalf of the petitioner challenging the order dated 22<sup>nd</sup> October, 2024 (hereinafter “impugned order”) passed by the Deputy Secretary (Home), General Department, Government of NCT of Delhi and seeking issuance of writ of mandamus for the grant of parole to the petitioner for a period of 30 days in FIR bearing No. 142/2011 resgistered under Sections 498-A/302 of the Indian Penal Code, 1860 (hereinafter “IPC”) at Police Station - Mundka.

2. Learned counsel appearing on behalf of the petitioner submitted that



the impugned order was passed without application of mind and the parole of the petitioner was rejected by the concerned Department on the ground that he was convicted for offence punishable under Sections 498-A/302 of the IPC.

3. It is submitted that the petitioner was released on furlough by the Director General, Prisons on 30<sup>th</sup> August, 2024 for a period of three weeks and after completion of the aforesaid period of furlough, he duly surrendered before the concerned Central Jail on 22<sup>nd</sup> November, 2024.

4. It is submitted that the marriage of the petitioner's niece i.e., daughter of his sister was fixed in the intervening period and the same is scheduled on 3<sup>rd</sup> December, 2024. In support of his submission, learned counsel for the petitioner annexed the original marriage card of his niece which is annexed as Annexure P-2 to the instant petition.

5. It is submitted that since the petitioner is the only maternal uncle of his sister's daughter, he has to perform some rituals and ceremonies as per the Hindu customs such as the *bhaat* ceremony, which is also scheduled on 3<sup>rd</sup> December, 2024.

6. It is further submitted that the petitioner is the only maternal uncle to his niece and there is no one to act as a substitute in performing the *bhaat* ceremony. Moreover, the petitioner's father is about 71 years old and is a heart patient.

7. It is also submitted that the release of petitioner on parole is necessary in order to maintain social ties with his family and reconnect with the mainstream society.

8. Therefore, in view of the foregoing facts and circumstances, it is prayed that the petitioner may be released on parole for a period of 30 days.



9. Heard learned counsel for the petitioner.
10. Issue notice. Learned ASC appearing on behalf of the State appearing on advance notice accepted notice.
11. Learned ASC for the State submitted that all the documents pertaining to the marriage have been verified by the police and found them true and correct. It is submitted that the said marriage is scheduled to be held on 3<sup>rd</sup> December, 2024. It is further submitted that the petitioner may be released on parole for a period of 30 days for performing the *bhaat* ceremony, which is his primary ground for seeking parole.
12. Heard learned counsel for the parties and perused the record.
13. This Court has perused the contents made in the instant petition and the status report filed by the State.
14. It is not a disputed fact that the marriage of petitioner's niece is scheduled on 3<sup>rd</sup> December, 2024 and that the petitioner is required to perform the *bhaat* ceremony being the only maternal uncle to his niece. Further, it is an admitted fact that the petitioner has completed 13 years and 3 months in imprisonment. It is also observed that the petitioner was granted furlough and was directed to surrender on 22<sup>nd</sup> November, 2024 vide order dated 30<sup>th</sup> August, 2024 by the Director General, Prisons. Accordingly, the petitioner has surrendered before the concerned Central Jail on 22<sup>nd</sup> November, 2024.
15. Further, the State has verified the details of the said marriage and found them to be correct. Moreover, no objection was raised on behalf of the State in granting parole to the petitioner.
16. Therefore, taking into consideration that the petitioner is the only maternal uncle to perform the *bhaat* ceremony, his surrender before the



concerned Central Jail on 22<sup>nd</sup> November, 2024 and no objection given by the State alongwith the fact that petitioner has completed 13 years and 3 months of his imprisonment, this Court is inclined to release the petitioner on parole for a period of ten (10) days.

17. Accordingly, the petitioner is directed to be released on parole for a period of ten (10) days from the date of his release on his furnishing personal bond in the sum of Rs.10,000/- with one surety of like amount to the satisfaction of the Jail Superintendent/Trial Court subject to the conditions as follows:-

- (a) The applicant shall under no circumstances leave India without prior permission of the Court concerned;
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case and/or attempt to tamper with the evidence;
- (c) The applicant shall provide his mobile number(s) and keep it operational at all times;
- (d) The applicant shall commit no offence whatsoever during the period he is on parole;
- (e) The applicant shall intimate the Court concerned in case of change of residential address and/or mobile number; and
- (f) The petitioner shall surrender before the Jail Superintendent concerned/Court concerned on the expiry of the ten days from the date of his release on parole.

18. With the aforesaid directions, the instant petition stands disposed of.



19. Copy of this order be sent to Jail Superintendent, Central Jail No. 2 for compliance.

**CHANDRA DHARI SINGH, J**

**NOVEMBER 28, 2024**  
**gs/mk**

*[Click here to check corrigendum, if any](#)*