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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3928/2024**
VIPIN KUMAR SALUJAPetitioner

Through: Mr. Vishesh Wadhwa, Ms. Swadha Gupta, Mr. Jatin Sharma and Mr. Anant Singh, Advs.

versus

STATE OF NCT OF DELHIRespondent

Through: Mr. Sanjay Lao, SC for State with Ms. Priyam Aggarwal, Adv. with SI Satyawan, PS. Special Cell NR/STF, Rohini, Delhi.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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20.12.2024

1. The present petition has been filed under Article 226 of the Constitution of India read with Section 528 BNSS seeking directions to release the petitioner on parole for a period of four weeks in connection with FIR No. 17/2008, under Sections 302/120B/201/397/364/411 IPC registered at Police Station Special Cell, Rohini.
2. The learned counsel for the petitioner submits that the petitioner had applied for parole *vide* application dated 01.11.2024, however, the same was not disposed of within the prescribed period of four weeks, therefore, the petitioner was constrained to file the present petition seeking the aforesaid relief.
3. He submits that after filing of the present petition when the matter was under scrutiny, an order dated 06.12.2024 came to be passed by the Competent Authority whereby the application of the petitioner seeking parole



was rejected *inter alia* on the ground that the overall jail conduct of the petitioner is unsatisfactory being multiple punishment.

4. This Court *vide* order dated 17.12.2024, had issued notice in the present petition with further directions to the State to file its Status Report. The Status Report has been handed over in the Court, the same is taken on record. A perusal of the Status Report shows that the address of the petitioner has been verified.

5. Insofar as the ground of rejection that the overall jail conduct of the petitioner is unsatisfactory, the submission of the learned counsel for the petitioner is that on an earlier occasion also, the petitioner had been granted parole from 09.05.2022 to 07.06.2022. He submits that the conduct of the petitioner that has been referred to in the rejection order dated 06.12.2024 is prior to the grant of said parole, therefore, the same ought not have been considered by the Competent Authority while considering the present application.

6. The factum that the petitioner has earlier been granted parole by the Competent Authority from 09.05.2022 to 07.06.2022 is not disputed by the learned Standing Counsel. It is not in dispute that the conduct of the petitioner premised on which the parole of the petitioner has been rejected by the competent authority, is prior to grant of parole from 09.05.2022 to 07.06.2022.

7. In view of the above, the present petition is allowed and it is ordered that the petitioner be released on parole for a period of four weeks in connection with case FIR No. 17/2008, under Sections 302/120B/201/397/364/411 IPC registered at Police Station Special Cell, Rohini, subject to his furnishing a Personal Bond in the sum of Rs. 10,000/-



and one Surety Bond of the like amount to the satisfaction of the Jail Superintendent, further subject to the following conditions:-

- a) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
- b) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.
8. Upon expiry of period of four weeks as stated above, the petitioner shall surrender before the Jail Superintendent.
9. With the aforesaid directions, the petition stands disposed of.
10. Copy of the order be forwarded to the Jail Superintendent for information and necessary compliance.
11. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

DECEMBER 20, 2024/dss