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

+ **W.P.(CRL) 3930/2024**

MANISH CHAND

.....Petitioner

Through: Mr. Anup Kumar Das, Mr.
Uday Chauhan & Ms.
Aayushi Gupta, Advs.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Yasir Rauf Ansari,
ASC for the State
SI Sargam Bhardwaj, PS-
Adarsh Nagar

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

20.12.2024

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1. The petitioner has filed the present petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking grant of emergency parole for a period of four weeks on the ground of sudden death of his brother.
2. By judgment dated 08.07.2013 passed by the learned Additional Sessions Judge, Rohini Courts, Delhi, the petitioner was convicted for offences under Sections 364-A/120-B of the Indian Penal Code, 1860 and by order on sentence dated 16.07.2013, the petitioner was sentenced to undergo rigorous imprisonment for life with fine of ₹10,000/- and in default to undergo simple imprisonment for a period of one month.
3. The nominal roll indicates that the petitioner has already spent more than 13 years in custody. The status report verifies the fact that brother of the petitioner expired on 28.11.2024.



4. The nominal roll further indicates that the conduct of the petitioner in custody is satisfactory.

5. The petitioner was also released on parole/ furlough on earlier occasions and has not misused the liberty.

6. Even though the petitioner has not filed an application with the respondent authorities seeking emergency parole but since the fact of the death of the brother has been verified, this Court considers it apposite to grant the benefit of emergency parole.

7. In view of the above, the present petition is allowed and the applicant is directed to be released on the first spell of parole for a period of four 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 the country 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  before the 29th day of his release;

- vi. During this period, the other co-accused persons will not be released on parole/furlough.
8. The period of parole shall commence from the date of actual release of petitioner.
9. The present petition is allowed in the aforesaid terms.
10. A copy of this order be set to the Jail Superintendent for information and necessary compliance.

AMIT MAHAJAN, J

DECEMBER 20, 2024

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