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

+ W.P.(CRL) 3380/2018 & CRL.M.A. 5154/2019 (Additional document)

JITENDER

..... Petitioner

Through: Mr. Sarthak Maggon & Ms. Anam Sahar, Advocates (through VC).

versus

STATE

..... Respondent

Through: Ms. Nandita Rao, ASC (criminal) for the State with Mr. Amit Peswani, Advocate.

SI Gurtej Simah, P.S. J.P. Kalan.

Mr. Harsh Prabhakar & Mr. Gurpreet Singh, Advocates (amicus curiae).

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

09.04.2024

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1. The present petition under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C. seeks the following prayers:

“a) Grant parole to the petitioner for a period of 12 weeks for the medical treatment of the mother and wife of petitioner, for arranging funds and for maintaining social ties;

b) Issue any such other writs, orders or directions as this Hon'ble Court may deem fit, just and proper in the facts and circumstances of the case and oblige.”

2. It is pointed out that during the pendency of the present petition, *vide* order dated 27.03.2019, the competent Authority had granted parole to the present petitioner.

3. Attention of this Court has been drawn to the order dated 25.04.2019,



wherein the learned predecessor Bench of this Court recorded as under:

“Learned counsel for the petitioner submits that parole has already been granted to the petitioner.

A detailed affidavit of the Principal Secretary (Home) will be filed explaining as to how the parole application of the petitioner was entertained and petitioner granted parole when the appeal of the petitioner was pending before the Hon'ble Supreme Court and his application for suspension of sentence had been rejected. The affidavit be filed well before the next date of hearing.

Renotify on 26th August, 2019.”

4. Learned Additional Standing Counsel submits that in pursuance of the same, an affidavit has been filed on behalf of the competent Authority, wherein it is recorded as under:

“2. At the outset it is humbly submitted that the Department was not aware of the directions of the Hon'ble High Court in matter of Vikas Yadav Vs. the State (GNCT of Delhi) in W.P. (CRL.) No.236 of 2016 that the parole is not to be granted to the convict during the pendency of his criminal appeal before the Hon'ble Supreme Court and-that the Delhi Prisons Rules were silent on this aspect.

3. That this Government is bound by the orders of the Hon'ble High Court in matter of Vikas Yadav Vs. the State (GNCT of Delhi) in W.P. (CRL.) No.236 of 2016 and shall decide all future parole applications till finalization of rules in accordance with directions in the matter of Vikas Yadav Vs. the State (GNCT of Delhi) in W.P. (CRL.) No.236 of 2016.”

5. In view of the above, prayers in the present petitions are satisfied and require no further adjudication.

6. With the aforesaid terms, the present petition is disposed of.

7. Pending application(s), if any, also stand disposed of accordingly.

AMIT SHARMA, J

APRIL 09, 2024/bsr

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