



\$~49

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

+ **W.P.(CRL) 318/2025 & CRL.M.A. 2709/2025**

JOGINDER KUMAR

.....Petitioner

Through: Mr. Siddharth Yadav, Advocate

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel for
State along with SI Rohit, PS: Rajouri
Garden

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

31.01.2025

%

1. The present petition under Article 226 of the Constitution of India read with Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) has been filed on behalf of Petitioner seeking issuance of writ in the nature of mandamus directing the Respondent to release the Petitioner on a parole for a period of sixty (60) days.

2. The Petitioner seeks parole on the ground of performing rituals and participating in marriage of his sister's son [nephew] scheduled to be held on 03.02.2025.

3. At the outset learned counsel for the Petitioner states that he is only praying for a period of one (1) week parole to enable him to attend the wedding of his nephew.

4. The Petitioner herein was arrested in FIR No. 942/1997 under Section 302/208/34 of Indian Penal Code, 1860 ('IPC') registered at P.S Rajouri



Garden. He was convicted by the learned Trial Court by way of the judgment dated 19.01.2001 & vide order dated 22.01.2001, he was sentenced to undergo rigorous imprisonment for life for offences punishable under Sections 302/308/34 of IPC. The Petitioner had filed an appeal against his conviction i.e. CrI. Appeal No. 75/2001 before this Court, which was dismissed vide judgment dated 16.09.2009.

5. The Petitioner is currently lodged in Central Jail No. 02, Tihar, Delhi, and as per the Nominal Roll dated 31.07.2024 he has undergone incarceration of about 12 years and 08 months, after including the period of remission.

6. Mr. Lao, learned Standing Counsel submits that the status report dated 30.01.2025 has already been filed. However, the same is not on record. A hard copy of the same is circulated for the perusal. Let the status report be brought on record. He states that the factum of scheduled marriage of Petitioner's nephew has been verified and relevant documents for the same has been annexed with the status report.

7. This Court has heard the parties and and has perused the material on record.

8. This Court has also gone through the Nominal Roll dated 31.07.2024 of the Petitioner, which reveals that the Petitioner is working as a factory sahayak in Central Jail No. 2, Tihar. The conduct of the Petitioner in the jail has been satisfactory and no major or minor punishment has been awarded to him on any occasion. As per the Nominal Roll the Petitioner herein was granted furlough on four occasions between 10.08.2023 and 29.06.2024 and the Petitioner duly surrendered each time without misusing the liberty



granted to him. This Court has been informed that Petitioner was also last granted furlough on 01.11.2024 for a period of two weeks.

9. The Petitioner was also on parole between 01.06.2021 to 07.01.2023 and he duly surrendered on the expiry of the parole.

10. The new conviction year has begun on 06.12.2024 and the Petitioner is entitled to furlough in view of his satisfactory Annual Good Conduct Remission (AGCR). The Petitioner has filed an application for seeking parole, however, the same has not been processed and considered by the Competent Authority due to the assembly elections in Delhi.

11. Taking into account overall circumstances of this case and the fact of Petitioner's nephew marriage stands verified, therefore, this Court sees no impediment in granting parole for a period of one week (1) subject to the following conditions

- i. The Petitioner shall furnish a personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand only) with one surety of the like amount to the satisfaction of the Jail Superintendent
- ii. The Petitioner shall furnish his mobile number to the Jail Superintendent on which he can be contacted if required. The said mobile number shall be kept active and operational at all the times by the petitioner.
- iii. The Petitioner shall not indulge in any criminal activity during the period of parole and shall not attempt to contact the deceased family in any manner or go near their residence at any time.
- iv. The Petitioner shall not leave the National Capital Territory of Delhi during the period of parole, without the prior permission of this Court.



- v. The Petitioner shall surrender before the concerned jail authorities immediately upon the expiry of his parole.
12. With the above directions, the petition stands disposed of. Pending application, if any, also stands disposed of
13. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
14. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

JANUARY 31, 2025/mt/ms **MANMEET PRITAM SINGH ARORA, J**

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