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

+ **W.P.(CRL) 440/2025**

MAHIPAL

.....Petitioner

Through: Mr. Anurag Jain, Adv.

versus

STATE(GOVT. OF NCT OF DELHI)

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel
SI Anugraha, PS Welcome

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

12.02.2025

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CRL.M.A. 3985/2025

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(CRL) 440/2025

1. This is a petition filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 seeking release of the petitioner on parole for a period of four weeks from the date of his release on the ground that the son of the petitioner is getting married on 16.02.2025.
2. In the present case, the petitioner has been convicted under sections 302/34/342/330 of IPC, 1860 and was sentenced to life imprisonment.
3. Mr. Jain, learned counsel for the petitioner states that the petitioner has already moved an application on 20.01.2025 before the concerned



authorities seeking grant of parole, but the same has not been decided due to the elections.

4. The factum of the wedding of the son of the petitioner has already been verified.

5. Additionally, the petitioner has earlier been granted parole for a period of four weeks vide order dated 10.05.2024 passed in W.P.(CRL) 951/2024 and the petitioner duly surrendered in time.

6. As per the status report, the petitioner has already undergone incarceration for a period of 8 years 10 months and 12 days, has a remission of 2 years 2 months and 20 days.

7. The Hon'ble Supreme Court in ***Atbir v. State of NCT of Delhi*** (2022) 13 SCC 96 while relying on ***Asfaq v. State of Rajasthan & Ors.*** (2017) 15 SCC 55 inter alia held as under:-

“18.....

.....15. A convict, literally speaking, must remain in jail for the period of sentence or for rest of his life in case he is a life convict. It is in this context that his release from jail for a short period has to be considered as an opportunity afforded to him not only to solve his personal and family problems but also to maintain his links with society. Convicts too must breathe fresh air for at least some time provided they maintain good conduct consistently during incarceration and show a tendency to reform themselves and become good citizens. Thus, redemption and rehabilitation of such prisoners for good of societies must receive due weightage while they are undergoing sentence of imprisonment.”



8. This Court cannot overlook the circumstances and the family exigencies that may have arisen in the family of the petitioner due to prolonged incarceration of the petitioner. While dealing with an issue relating to grant of parole to a convict, the Courts are required to balance the interests of convict as well as of the society.

9. For the reasons stated above, the petition is allowed and the petitioner is directed to be released on parole for a period of four weeks on account of the wedding of the petitioner's son subject to the following terms and conditions:

- (a) The petitioner shall furnish a personal Bond in the sum of Rs. 5,000/- and one Surety Bond of a family member in the like amount to the satisfaction of the Jail Superintendent;
- (b) The petitioner shall furnish his cellphone number to the concerned Investigating Officer ('IO') on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
- (c) The petitioner shall not leave the country without the permission of the concerned court and if the petitioner has a passport, he shall surrender the same to the concerned trial court;
- (d) The petitioner will furnish his permanent address to the IO and in case he changes his address, he will inform the IO concerned;
- (e) The petitioner shall not indulge in any act or omission that is unlawful or that would prejudice the proceedings in pending cases, if any.
- (f) Upon expiry of the period of parole, the petitioner shall surrender before the Jail Superintendent.



10. The petition is disposed of accordingly.
11. Copy of the order be communicated to the concerned Jail Superintendent for necessary compliance.
12. Status report handed over in Court today is taken on record.

JASMEET SINGH, J

FEBRUARY 12, 2025/sp

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