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

+ **W.P.(CRL) 3542/2024 & CRL.M.A. 650-651/2025**

JEET DAHIYA

.....Petitioner

Through: Ms. Neha Kapoor and Mr. Kaushal
Mehta, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) for the State with Mr. Abhinav
Kr Arya and Mr. Aryan Sachdeva,
Advocates with SI Pankaj Saroha,
NR-II Crime Branch

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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17.01.2025

CRL.M.A. 651/2025 (for exemption)

1. Allowed, subject to all just exceptions.
2. Accordingly, this application is disposed of.

CRL.M.A. 650/2025 (to place on record additional documents)

3. The captioned application has been filed by the Petitioner to place on record additional documents and facts more specifically with respect to the copy of order dated 24.12.2024 passed by Deputy Secretary (Home) rejecting the parole application of Petitioner filed vide CD No.003784787 and Examination schedule of the Petitioner.



4. For the reasons stated therein, the application stands allowed.

W.P.(CRL) 3542/2024

5. The present petition has been filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the Petitioner seeking grant of parole in FIR No. 862/2016 registered at Police Station S.B. Dairy under Sections 302/201/120B/34 of the Indian Penal Code, 1860 (IPC) for a period of two (2) months.

6. It is stated that the Petitioner has applied for a parole in view of the fact that he has to arrange the school fee for his children for the quarter (October-December) of 2024.

7. When the Petitioner approached this Court, the application seeking parole was pending with the competent authority. In the meantime, the application has since been decided and has been rejected by the competent authority vide order dated 24.12.2024 on the ground that the Petitioner's brother is gainfully employed and he can make the necessary arrangements towards the school fees.

8. Learned counsel for the Petitioner has placed the order dated 24.12.2024 on record and states that the reasons recorded therein are erroneous as Petitioner's only brother is Vijay Dahiya and he as well is a co-convict and is serving sentence with the Petitioner. She states that the Petitioner has also enrolled for Master of Arts degree and is scheduled to write exams from 23.01.2025 to 27.01.2025. She states this additional fact may be considered for granting parole.

9. Learned Standing Counsel submits that the status report shows that the wife of the Petitioner has reasonable independent rental income and the



ground of parole i.e. arranging school fee of children is not a reasonable ground as it is a recurring liability occurring in due course.

10. This Court has considered the submissions of the parties and perused the record.

11. The Petitioner was last enlarged on furlough between 08.07.2024 to 23.07.2024. Though, this Court finds merit in the submissions of the learned Standing Counsel that the grounds stated in the petition do not make out an exceptional ground for parole, however, considering the fact that it has been over seven (7) months since the Petitioner has met his family, the Petitioner is granted parole for a period of four (4) weeks on the following terms and conditions:

- i. Petitioner shall furnish One surety of Rs. 10,000/- (Rupees Ten Thousand only) alongwith a personal bond of the like amount for his release on parole to the satisfaction of the Superintendent, Central Jail, Tihar.
- ii. Petitioner shall maintain peace and good behavior during his period of release on parole.
- iii. Petitioner will remain at his residence during the period of his release on parole and his ordinary place of residence shall be:- H. No. 2/149, Block-H, Pocket-2, Sector-16, Rohini, Delhi.
- iv. Petitioner shall report at least once in a week on every Tuesday to Police Station under which his ordinary place of residence falls, at 04:00 P.M. during the period of his release on furlough. The Petitioner shall not be kept waiting beyond 05:00 P.M.
- v. Petitioner shall surrender to the Superintendent, Central Jail, Tihar, New Delhi on the expiry of his period of release on parole.



12. It is clarified that the Petitioner will be enlarged on parole under this order after the co-convict Sandeep alias Sandy has surrendered. Co-convict Sandeep has been granted parole by an order passed today in W.P. (Crl.) 3847/2024 for two weeks and the said order will take effect prior to the parole granted to the Petitioner herein i.e. Jeet Dahiya.

13. Since co-convict Sandeep alias Sandy will be out on parole between 23.01.2025 to 27.01.2025, the Petitioner shall appear to write his exams from the Jail.

14. With the aforesaid directions, the petition is disposed of. Pending applications are also disposed of as being rendered infructuous.

15. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

16. 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.

MANMEET PRITAM SINGH ARORA, J

JANUARY 17, 2025/msh/AKT

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