



\$~42

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

+ **W.P.(CRL) 3820/2024**

SURJEET @ BACCHA

.....Petitioner

Through: **Mr. Siddharth Yadav, Advocate**

versus

STATE (NCT OF DELHI)

.....Respondent

Through: **Mr. Sanjeev Bhandari, ASC for the
State along with Mr. Arjit Sharma and
Mr. Nikunj Bindal, Advocates
SI Arun Kumar, P.S. Paharganj**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

%

30.01.2025

1. The present petition has been filed under Article 226 of the Constitution of India read with Section 528 of the Bhartiya Nagarik Suraksha Sanhiyta, 2023 (BNSS) seeking the following relief:

“Issue a writ in the nature of Mandamus granting parole to the petitioner for a period of sixty (60) days in FIR No. 189/2010, U/S 302/307/324/323/452/34 IPC, P.S. Paharganj”

2. At the outset, learned counsel for the Petitioner states that the Petitioner is praying for modification of the relief sought in the present petition and is now limiting his relief to release on parole for only four (4) weeks.

3. Learned ASC appearing for the State submits that the ground for declining the Petitioner's application for parole is the incident where the Petitioner herein, who was granted three (3) weeks furlough from



27.04.2018 to 18.05.2018 by DG (Prison), but the Petitioner jumped the furlough and had to be re-arrested on 28.05.2018, in FIR No. 98/2018 under Section 302/307/34 of the Indian Penal Code, 1860 (IPC) & 25/27/54 Arms Act at PS Sadar Bazar.

3.1 He, however, fairly states that thereafter this Court had released the Petitioner on parole for six (6) weeks w.e.f. 08.01.2024 to 18.02.2024, which was further extended on various occasion till 08.06.2024 and thereafter the Petitioner surrendered.

4. Learned counsel for the Petitioner states that Petitioner's wife passed away in December, 2023 and he has two (2) minor daughters and it was in these exceptional facts that the High Court has granted parole in January, 2024 and extended it from time to time. He states that Petitioner undertakes that he will not seek any extension of the parole, if granted in this petition and will scrupulously abide by all the terms and conditions.

4.1 He states that Petitioner has not been released since 08.06.2024 either on furlough or parole even though the conviction year began on 28.05.2024.

4.2 He states that as per the Nominal Roll dated 12.09.2024, the Petitioner's Annual Good Conduct Reports ('AGCR') for the last two (2) years are satisfactory. He further states that as per the latest Nominal Roll dated 27.01.2025 the conduct of the Petitioner is found to be satisfactory.

5. This Court has considered the submissions of the parties.

6. Keeping in view the satisfactory conduct of the Petitioner as per the Nominal Roll as well as the fact that the Petitioner last met his two (2) minor daughters on 08.06.2024 and the fact that the minor children have lost their mother, Petitioner is granted parole for a period of four (4) weeks subject to furnishing a personal bond in the sum of Rs. 10,000/- (Rupees Ten



Thousand only) with one (1) surety of the like amount to the satisfaction of the Jail Superintendent subject to the following terms and conditions: -

- i. The Petitioner shall not leave the National Capital Territory of Delhi during the period of parole, without the prior permission of this Court.
 - ii. Petitioner shall provide the SHO, PS Paharganj with mobile telephone number which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the SHO concerned.
 - iii. During the period the Petitioner remains out on parole, the Petitioner shall report to the SHO, P.S. Paharganj, on every Wednesday at 10 AM, and will not be kept waiting for more than an hour.
 - iv. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.
 - v. The Petitioner is directed to surrender before the jail authorities at the expiry of the period of parole.
7. The impugned order dated 24.12.2024 is set aside. The Competent Authority is directed to bear in mind the effect of the High Court's order dated 05.01.2024, the Petitioner's conduct and present order while considering future applications of the Petitioner for parole/furlough; and not singularly rely upon the parole jumping incident of the year 2018.
8. It is clarified that no application for extension of parole granted vide



this order shall be entertained.

9. The petition is disposed of in the aforesaid terms. Pending applications (if any) are also disposed of as being rendered infructuous.

10. Copy of the order be sent to the Jail Authority for information and necessary compliance.

11. 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 30, 2025/rhc/sk