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

+ **W.P.(CRL) 4056/2024**

VIJAY RAI

.....Petitioner

Through: Mr. Siddharth Yadav, Advocate
versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Amol Sinha, ASC for State with
Mr. Kshitiz Garg, Mr. Ashvini
Kumar, Ms. Chavi and Ms. Sanskriti
Nimbekar, Advocates along with SI
Sumit Kumar, PS Rajouri Garden

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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10.01.2025

1. The present petition under Article 226 of Constitution has been filed seeking grant of parole for a period of thirty (30) days and impugning the order dated 16.12.2024 ('impugned order') passed by Deputy Secretary, GNCTD, Home (General) Department rejecting the prayer of parole.
2. The impugned order records that the prayer for parole has been declined as two other co-accused have been out of jail since 24.04.2024 and 01.11.2024, and the plaintiff might contact them and engage in criminal activities. Additionally, the impugned order notes that the petitioner, upon being released on bail by this Court in CRL. Appeal No. 543/2001 on 06.04.2002, had failed to surrender after the dismissal of the appeal on 16.09.2009. It is stated that the petitioner was declared a proclaimed offender and was subsequently taken into custody only on 06.08.2019, following his conviction in another case, FIR No. 325/2019 under Section 174A.



3. Learned Additional Standing Counsel for the State has also placed on record the Status Report dated 07.01.2025 filed by the SHO Rajouri Garden, which states that the factum of the scheduled barsi ceremony on 13.01.2025 has been verified.

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

5. A perusal of the Nominal Roll dated 02.01.2025 shows that all the other co-accused are all inside the jail now. Further, the details at Column No. 19 of the Nominal Roll records that the Petitioner has been granted furlough on six (6) different occasions in the year 2022, 2023 and 2024 and he has duly surrendered to the Jail Superintendent on completion of the furlough period. The Nominal Roll also records that the overall conduct of the Petitioner has been satisfactory in the Jail.

6. In the considered opinion of this Court, in view of the subsequent events noted above, the grounds referred to in the impugned order dated 16.12.2024 do not survive for declining the relief of parole. The competent authority is directed to keep in view the reformed conduct of the Petitioner after his arrest on 20.08.2019 while considering his applications in future.

7. In view of the aforesaid facts, the Petitioner is granted parole for a period of four (4) weeks on furnishing a personal bond in the sum of Rs. 10,000/- with one surety bond of the like amount, subject to the satisfaction of the Jail Superintendent, further subject to the following conditions:-

(i) The Petitioner will not leave the country without prior permission of the Court.

(ii) The Petitioner shall provide the SHO, Police Station Rajouri Garden with the mobile number, which shall be kept in working condition at all times and Petitioner shall not switch off or change the mobile



number without prior intimation to the IO concerned.

- (iii) The Petitioner shall also provide the said mobile number to the Jail Superintendent.
- (iv) During the period the Petitioner remains out on parole, the petitioner shall report to the SHO, PS Rajouri Garden, Delhi every Sunday between 10:00 AM to 11:00 AM, and will not be kept waiting for more than an hour.
- (v) The Petitioner shall not leave the National Capital Territory of Delhi during the period of parole, without the prior permission of this Court.
- (vi) The petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the complainant/victim or any member of the complainant/victim's family.
- (vii) The Petitioner is directed to surrender before the jail authorities at the expiry of the period of parole.

8. With the aforesaid directions, the petition stands allowed.

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

10. 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 10, 2025/rhc/AKT