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

+ **W.P.(CRL) 4063/2024**

SARTAJ@ALLAHARAKHA

.....Petitioner

Through: **Ms. Dolly Sharma, Advocate**

versus

STATE NCT OF DELHI

.....Respondent

Through: **Mr. Rahul Tyagi, ASC for State for
Mr. Anand V. Khatri, ASC for State
with Mr. Mathew M. Philip, Mr.
Sangeet Sibou and Mr. Aniket
Kumar, Advocates along with SI
Sikander, PS: H. N. Din**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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31.01.2025

1. 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') seeking parole for a period of four (4) weeks in FIR No. 157/2013 registered at P.S. Hazrat Nizamuddin under Sections 302/34 of the Indian Penal Code, 1860.

2. The Petitioner's application for parole was rejected vide order dated 16.12.2024 ('impugned order'). The impugned order states that the application has been declined in view of the major punishments imposed on the Petitioner on 19.04.2021 and 10.10.2023. The order further records that the Petitioner's overall jail conduct is reported to be unsatisfactory due to multiple punishments. Additionally, it notes that the Petitioner is involved in



ten (10) other criminal cases, is a habitual offender, and there exists a possibility that he may abscond if granted parole.

3. In addition, the impugned order records that in the year 2023, when the convict was granted parole/furlough he was re-arrested in another case vide FIR No. 136/2023 registered at P.S. GTB Nagar under Section 20 of the NDPS Act.

4. At the outset, learned ASC states that the facts recorded in the impugned order with respect to FIR No. 136/2023 is incorrect to the extent that convict was not out on parole/furlough; instead the said FIR was registered when the Petitioner was taken to the GTB Hospital for his medical examination, and at that stage, he was found to be in possessions of the *ganja* and tobacco.

5. Learned counsel for the Petitioner states that the Nominal Roll of the Petitioner, dated 15.01.2025, reflects that he has been incarcerated for 11 years, 6 months, and 24 days excluding remission without being granted any parole or furlough. She states that the list of punishments annexed to the Nominal Roll indicates that the long period of incarceration has had a devastating effect on the Petitioner's mental health. In fact, in 2020, the Petitioner attempted to harm himself and made an attempt to commit suicide. She states that permitting the Petitioner to rebuild his social ties with his family would aid in his mental health recovery.

6. She states that the Petitioner will resides at the Narela address furnished in the memo of parties of this petition.

7. Ld. ASC states that since the Petitioner was granted his last punishment on 10.10.2023, therefore, as per Rule 1210 sub-rule (II) of Delhi Prison Rules, 2018, Petitioner will become eligible for consideration of



parole/furlough only after October, 2025.

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

9. The Petitioner has been incarcerated for 11 years, 6 months, and 24 days and has earned remission of 1 year, 3 months, and 11 days. Thus, Petitioner has been effectively incarcerated for 12 years, 10 months approximately without being ever released on parole or furlough.

10. The Nominal Roll reflects that the Petitioner is working as a Ward Sahayak and that his conduct has been satisfactory for the past year. The annexure 'A' attached to Nominal Roll against serial no. 18 records that in the year 2024 no punishment ticket has been issued to the Petitioner. In the year 2023, a punishment ticket issued against him is for recovery of tobacco.

11. In the opinion of this Court, the Petitioner has already undergone the requisite punishment awarded to him for the punishment tickets issued to him in 2023 and considering the beneficial effect of parole for a convict for rebuilding his family and social ties, this Court deems it appropriate to grant the Petitioner 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. During the period the petitioner remains out on parole, the petitioner shall report to the SHO, PS Narela, on every Monday 11:30 AM, and will not be kept waiting for more than an hour.
- ii. The petitioner shall also provide the SHO, PS Narela, 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. The petitioner shall not leave the country during the period of parole, without the prior permission of this Court.
 - iv. 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.
 - v. The petitioner is directed to surrender before the jail authorities at the expiry of the period of parole.
12. It is made clear that no extension application for the parole granted vide this order shall be entertained.
13. The petition is disposed of in the aforesaid terms. Pending applications (if any) are also disposed of as being rendered infructuous.
14. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
15. 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 31, 2025/rhc/AKT