

Ramjani vs State (N.C.T.) Of Delhi on 15 February, 2023

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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(CRL) 2138/2022

RAMJANI

Through: Mr. Rohan J. Alva, Adv.

versus

STATE (N.C.T.) OF DELHI

Through: Mr. Sanjeev Bhandari, AS
State with Mr. Kunal Mit
with SI Mohit Batan, PS
Dairy.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL
ORDER

% 15.02.2023

1. This petition has been filed for grant of parole for a period of four weeks to the petitioner in FIR No.573/2016 under Sections 302 IPC registered at PS Bhalswa Dairy on the ground that the parole has been rejected for the reason that the petitioner when he was released on emergency parole during Covid-19 did not turn up for a surrender and was later re-apprehended by the local police on 11th September, 2021. The learned counsel for petitioner has contended that the petitioner was not able to surrender as he was facing difficulty due to Covid-19 time and he actually booked a railway ticket on 24th September, 2020 in order to surrender before the jail authority. However, when he came to the jail on 29th September, 2020 he was not allowed on account of remaining Covid-19 Pandemic conditions. Due to the ongoing situation of the pandemic, the issue of surrender before the jail remained inconclusive and thereafter he was apprehended from his native place Darbhanga, Bihar by the police.

2. A perusal of the Nominal Roll would show that the appellant had been earlier granted bail in 2019 and did not misuse the liberty as also there are no previous or other convictions and the jail conduct has been otherwise satisfactory all through. As regards default in surrender, pursuant to the emergency parole granted pursuant to HPC guidelines, the learned counsel for petitioner has also relied upon various other decisions of Coordinate Benches of this Court which are inter alia as under:

Ram Sagar @ Sagar v. State NCT of Delhi, W.P.(Crl.) 748/2022; Vinod @ Vinoda v. The State (Govt. of NCT of Delhi), W.P.(Crl.) 89/2023; Surender alias Bhola v. State of GNCT of Delhi, W.P.(Crl.) 605/2022; Sultan @ Rajesh v. State of GNCT of Delhi, W.P.(Crl.) 764/2022; Satinder alias Gajinder v. State (Govt. of NCT of Delhi), W.P.(Crl.) 221/2022; Saurabh Sharma v. State of NCT of Delhi, W.P.(Crl.) 828/2020;

Siddharth @ Chandan v. State, Bail Appln. 983/2021.

3. Be that as it may, the issue of surrender pursuant to HPC guidelines has been an issue which has come up before this Court in various matters and there still continues to be an ambiguity in that situation and the State has sought clarification from the Hon'ble Supreme Court.

4. Ld. ASC has placed his objection to the grant of parole on the basis of the impugned order which was passed as well as the conduct of the petitioner in not surrendering in time.

5. In view of the above, and that as per the Nominal Roll, he has been in custody for the period of 6 years and more including remission and that his jail conduct has been satisfactory and there are no other involvements, and that he had not misused the interim bail granted in 2019, this Court sees no impediment in granting parole to the petitioner. The petitioner is enlarged on parole for a period of four weeks from the date of release subject to furnishing a personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand only) with one surety of the like amount to the satisfaction of the Jail Superintendent subject to the following conditions:-

i. During the period the petitioner remains out on parole, the petitioner will remain resident at his native village Inahi, PS Behari, District Darbhanga, Bihar and shall report to the SHO, PS Behari, Darbhanga, Bihar on every Saturday at 12noon and shall not be kept waiting for more than an hour.

ii. The petitioner shall also provide the SHO, PS Bhalswa Dairy, 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. The mobile location be kept on at all times.

iii. 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 or tamper with the evidence of the case.

iv. The petitioner is directed to surrender before the jail authorities at the expiry of the period of parole.

6. Accordingly, the petition is disposed of.

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

8. Order be uploaded on the website of this Court.

ANISH DAYAL, J FEBRUARY 15, 2023/MK