



* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Reserved on: 06.07.2023*

Pronounced on: 16.08.2023

+ W.P.(CRL) 23/2023

CHANDRAKANT JHA

..... Petitioner

Through: Ms. Neha Kapoor, Advocate
(through VC)

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Anand V. Khatri, ASC for
the State with SI Parveen
Kumar, P.S.Hari Nagar.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

JUDGMENT

RAJNISH BHATNAGAR, J

1. By way of this petition filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, the petitioner is seeking parole for a period of 90 days in FIR No. 243/2007 U/s 302/201 IPC, FIR No. 279/2007 U/s 302/201 IPC and FIR No. 609/2006, U/s 302/201 IPC registered at Police Station Hari Nagar.

2. It is submitted by the learned counsel for the petitioner that the petitioner has been denied parole vide impugned order dated 23.12.2022 only considering that the petitioner has been convicted in multiple murders. She submitted that the said order has been passed completely ignoring the fact that more than two years have elapsed



since the last punishment was given to the petitioner and his jail conduct has been satisfactory for the last two years. She further submitted that even prior to January 2020 no punishment was ever given to the petitioner in almost 13 years of his judicial custody. She further submitted that the petitioner has undergone more than 15 years and 6 months in custody and has been previously released five times on parole and seven times on furlough.

3. She further submitted that the present petition has been made on the ground that the petitioner has four daughters and he has to finalise a suitable groom for the eldest daughter, namely, Jyoti and it is the duty of the petitioner being her father to find a suitable match for her and get her engaged as his wife alone shall not be able to handle everything on her own and there is no other male member in the family apart from the petitioner. Lastly, it has been pointed out by the Ld. counsel for petitioner that the petitioner has not been released in the last 3 years and thus, it has become extremely essential for him to be released to re-establish social ties with his family.

4. On the other hand, Ld. ASC appearing for the State has argued on the lines of the status report and has strongly opposed the present petition on the ground that the petitioner has criminal antecedents and has been convicted in three cases of murder. He further submitted that the overall conduct of the petitioner is unsatisfactory and if released on parole, the possibility of jumping the parole by the petitioner cannot be ruled out.

5. Perusal of Status Report dated 13.01.2023 filed by the State shows that it has been verified that the petitioner has five daughters



out of whom one of his daughters, namely, Monika had expired on 11.04.2019. The wife of petitioner, namely, Mamta @ Maya is currently residing alongwith her four daughters, namely, Jyoti, Priyanka, Manisha and Kajal at Khasra No. 65/29, Flat No. 3 (1st Floor), House Owner-Sudhir Rana/Urmila Rana, Rana Market (PNB & SBI ATM Bank Building) Village Alipur, near Sarvodya Knaya Vidyalaya, P.S. Alipur, Delhi and they are residing at the abovesaid address as tenants since last four years.

6. For further adjudication, reliance can be placed on the judgment passed by the Hon'ble Supreme Court in *Asfaq v. State of Rajasthan, (2017) 15 SCC 55*, wherein it was observed and held as follows:

"20. Thus, not all people in prison are appropriate for grant of furlough or parole. Obviously, society must isolate those who show patterns of preying upon victims. Yet administrators ought to encourage those offenders who demonstrate a commitment to reconcile with society and whose behavior shows that they aspire to live as law-abiding citizens. Thus, parole programme should be used as a tool to shape such adjustments."

7. In the instant case, the petitioner has undergone more than 15 years and 6 months in judicial custody and he has not been released in the last 3 years. The conduct of the petitioner is satisfactory, he has also been released on parole on five occasions and furlough on seven occasions and there is no allegation that the petitioner had misused his liberty, therefore, this Court considers it apposite to allow the present petition. Accordingly, the petition is allowed and petitioner is granted



parole for a period of 90 days on the following conditions:

(i) The Petitioner shall furnish personal bond in the sum of Rs.25,000/- with two sureties in the like amount to the satisfaction of the concerned Jail Superintendent;

(ii) The petitioner shall provide his mobile phone number to the concerned Jail Superintendent and SHO concerned at the time of release, which shall be kept in working condition at all times;

(iii) The petitioner shall not leave the NCT of Delhi without the prior permission of this Court and shall reside at the given address as per prison records;

(iv) The petitioner shall present himself before the S.H.O., P.S.: Hari Nagar every third day between 11:00 AM and 11:30 AM to mark his presence. However, he shall not be kept waiting for longer than an hour for this purpose;

(v) The petitioner shall positively surrender before the concerned Jail Superintendent on the expiry of the period of 90 days from the date of his release.

8. Therefore, the present petition along with pending application, if any, is disposed of accordingly.

9. A copy of this order be sent forthwith to concerned Jail Superintendent and SHO, Hari Nagar, through electronic mode.

RAJNISH BHATNAGAR, J

AUGUST 16, 2023/ib