
(2022) 05 DEL CK 0293

In the Delhi High Court

Case No : Criminal Writ Petition No. 870 Of 2022

Anju @ Sonia Alias Baby Vsstate Nct Of Delhi & Anr.

Date of Decision : 24-05-2022

Acts Referred:

Constitution Of India, 1950 — Article 226
Deihl Prison Rules, 2018 — Rule 1210(iv)
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2022) 05 DEL CK 0293

Hon'ble Judges : Talwant Singh, J

Bench : Single Bench

Advocate : Nitin Saluja, Anubhav Singh, Rajesh Mahajan

Final Decision : Disposed Of

Judgement

Talwant Singh, J

1. This is a writ petition under article 226 of the Constitution of India r/w section 482 Cr.P.C. challenging the order dated 24.02.2022 passed by the competent authority, by which the application seeking parole, moved by the present petitioner, was not allowed. The relevant portion of the impugned order is reproduced hereunder:-

"The convict is not entitled for parole in view of Rule 1210 sub rule (IV) of Delhi Prison Rules-2018, which states that:-

1210 sub rule (IV):-"The convict should not have violated any terms and conditions of the parole or furlough granted previously". In this case, the abovesaid convict has jumped her emergency parole and sent to JC on 27.08.2021 vide DD No. 276 A dated 27.08.2018, PS GTB Enclave.

The convict may be informed accordingly."

2. Notice was issued. I have heard the arguments. Learned counsel for the petitioner submits that the only reason for denial of the parole is that earlier when the emergency parole was granted to her, she could not surrender within

time and she was sent to J.C. only on 27.08.2021. Learned counsel for the petitioner further submits that petitioner had already explained her compelling circumstances in a letter addressed to the Jail Superintendent. The relevant portion of the said apology letter dated 30.09.2021 is reproduced hereunder:-

Respect Sir,

I Sonia W/O Anil wants to make some request to you that on 26.08.2021 I was brought to jail because I was unable to surrender on time because at that time a very difficult period was going at my home. Firstly my mother had fallen down due to which she had developed fracture and was unable to stand and sit and my elder daughter since last 1- 1.5 years had started having fits and I only got started her treatment and that I am the only one to look after everyone in the house and only earning member. My both daughters are young one is of 15 years and other is of 13 years. And there is no one in my house to take care of and the period of corona was going on. Madam, please understand my family situation and pay mercy upon me. I live separately from my husband and there is no one to support me, only I look after everything. Madam, due to my house situation and my daughters and my mothers circumstances I could not surrender on time for which I apologise from you and request you to grant me leave for my daughters treatment. So that after going out along with my daughters treatment I can also get her admitted to a school so that her education does not spoil and anyway in the times of corona my daughters and my mother have suffered a lot, so you please understand my problem and grant a solution.

I will be highly great full."

3. It has been further submitted that the petitioner has to look after her mother as well as her two daughters. The elder daughter has got mental ailment issues and she is under treatment; copies of the treatment document have also been filed alongwith petition. The elder daughter is stated to be 15 years old and younger daughter is 13 years old and there is no one in the house of the petitioner to take care of them. The emergency parole was granted earlier during the period of Corona, as the petitioner was going through a difficult period, it caused delay in surrendering before the concerned authority on expiry of the emergency parole period.

4. In my view, although it is true that petitioner has not surrendered in time, when she was granted emergency parole during Corona period by the Jail Superintendent, however, she has submitted a reasonable explanation for the same on 30.09.2021 itself and an order has already been passed on 19.10.2021 stating that her emergency parole period from 03.04.2021 to 26.08.2021 shall not be deducted from her sentence.

5. In view of the present circumstances, when there is no one to look after the minor school going daughters of the petitioner as well as her old mother and one of the daughters being not mentally stable and is under treatment from IBHAS, hospital, I am inclined to grant two months' parole to the present petitioner. She

be released on parole for a period of two months by the Jail Superintendent after completion of all requisite formalities.

6. It is made clear that the petitioner shall surrender on expiry of the said period of parole positively before the Jail Superintendent.

7. The petition is disposed of. Copy of the order be sent to Jail Superintendent as well as to the present petitioner through Jail Superintendent for information and compliance.