

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ **W.P.(CRL) 1240/2010**

Decided on 06.10.2010

IN THE MATTER OF :

SOHAN SINGH @ SONU

..... Petitioner

Through: Mr. Ajay Verma, Advocate

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Sanjeev Bhandari, ASC

CORAM

*** HON'BLE MS.JUSTICE HIMA KOHLI**

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| 1. Whether Reporters of Local papers may be allowed to see the Judgment? | No |
| 2. To be referred to the Reporter or not? | No |
| 3. Whether the judgment should be reported in the Digest? | No |

HIMA KOHLI, J. (Oral)

1. The present petition is filed by the petitioner praying *inter alia* for quashing of the order dated 24.6.2010 passed by the respondent rejecting the parole application filed by him in case FIR No.543/2001 and for grant of parole for a period of three months to engage a counsel for filing an SLP in the Supreme Court and to re-establish social ties with his family members and the society

2. Counsel for the petitioner states that the petitioner had preferred an appeal against the judgment of the trial Court registered as Crl.A. No.92/2004, which was dismissed by the High Court vide judgment dated 16.2.2010.

3. During the period of trial, the petitioner was granted interim bail on four occasions and on each occasion, he surrendered himself on time before the concerned authorities. Even during the pendency of his appeal before the High Court, the petitioner remained on regular bail since 7.10.2004 and he surrendered himself on 12.3.2010 after the aforesaid judgment dated 16.2.2010. Ever since then he is in custody. Counsel for the petitioner states that the petitioner is entitled to grant of parole for filing an SLP in the Supreme Court against the judgment dated 16.2.2010.

4. A Status Report has been filed by the respondent. Apart from the Status Report, nominal roll has also been submitted by Deputy Superintendent, Central Jail. The said Nominal roll reflects that as against a quantum of sentence of 7 years and fine of Rs.10,000/- in default, simple imprisonment of 1 year, the petitioner has undergone the sentence for a period of 3 years, 4 months and 20 days, as on 2.10.2010. He has earned remission for a period of 4 months and 26 days and his unexpired portion of sentence is 3 years 2 months and 14 days. The jail conduct of the petitioner for the past one year is stated to be satisfactory and there is no other pending case against him.

5. Learned ASC submits that the respondents have verified the status of the petitioner and as per the said verification, nothing adverse to the petitioner has come to their notice. The financial background of the petitioner is stated to be unsound and he does not own any property. However, there is no criminal case mentioned in respect of either the

petitioner or any other family member. The family of the victim is stated to have sold their house at Tughlakabad Extension after the incident and shifted to some other address, unknown to the respondent presently.

6. The basis of filing the present petition for grant of parole is the right of the petitioner to assail the order of the High Court in Crl.A. No.92/2004. The conduct of the petitioner is found to be satisfactory, both in the nominal roll as also on the basis of the Status Report filed by the State. There appears no reason to refuse parole to the petitioner for filing an SLP in the Supreme Court.

7. Having regard to the aforesaid submissions made by the counsel for the petitioner and the status report placed on the record, the petitioner is directed to be released on parole for a period of one month, on the following terms and conditions:

- (i) The petitioner shall furnish a personal bond in the sum of ₹ 10,000/- with one local surety of the like amount to the satisfaction of the Jail Superintendent.
- (ii) The petitioner shall mark his presence before the SHO of Police Station: Okhla Industrial Area. New Delhi at 10:00 AM on every Sunday and during the period of parole, he shall not leave Delhi.
- (iii) The petitioner shall furnish a telephone number to the Jail Superintendent on which he can be contacted, if required. After his release, he shall also inform his telephone number to the SHO of the police station concerned.

- (iv) The petitioner shall keep away from the area around the residence of the victim and her family members.
- (v) Immediately upon the expiry of period of parole, the petitioner shall surrender himself before the Jail Superintendent.
- (vi) The period of parole shall be counted from the day after the date when the petitioner is released from jail.
- (vii) The petitioner shall furnish a copy of the SLP proposed to be filed in the Supreme Court to the Superintendent Jail at the time of surrendering.

DASTI to the parties.

OCTOBER 6, 2010
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(HIMA KOHLI)
JUDGE