

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ **W.P.(CRL) 1380/2010**

Decided on 27.09.2010

IN THE MATTER OF :

SWARAN SINGH

..... Petitioner

Through: Mr. O.N.Sharma, Advocate

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Vikas Pahwa, 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)

Status report is handed over by the learned ASC and taken on record.

1. The present writ petition is filed by the petitioner praying *inter alia* for releasing him on parole for a period of two months to enable him to re-establish social ties with his family and the society.

2. Counsel for the petitioner states that the petitioner is aged 46 years and his family comprises his wife, one daughter and one son aged 17 years and 10 years respectively. The father of the petitioner expired in the year 1997 and there is no other male member in the family. It is further stated that the wife of the petitioner is not keeping well and he therefore

seeks grant of parole to enable him to re-arrange the affairs of the house and his business of transportation.

3. The request for parole made by the petitioner was rejected by the respondent vide order dated 17.8.2010, stating *inter alia* that there are many other cases pending trial against the petitioner, who appears to be a habitual offender and there is an apprehension that he may influence the witnesses in case of his release on parole.

4. As per the Status Report filed by the State, mention has been made of six cases pertaining to the petitioner, out of which those mentioned at Sl.Nos.2, 3, 5 & 6 show that the petitioner has been acquitted in those cases. The case mentioned at Sl.No.4 is the one out of which the present petition arises and in respect of the case mentioned at Sl.No.1, i.e., FIR No.244/2000, the position is stated to be unclear. Counsel for the petitioner states that no production warrants have been issued against the petitioner in the aforesaid case mentioned Sl.No.1.

5. Apart from the above, it is submitted in the Status Report that the petitioner is the owner of House No.B-41, Rajan Babu Road, Adarsh Nagar where his family is presently residing. It has been confirmed that the wife of the petitioner is unwell and is undergoing treatment at Babu Jagjivan Ram Memorial Hospital, Jahangir Puri. There is no adverse report against the petitioner mentioned in the Status Report. The nominal roll of the petitioner summoned from the Jail Superintendent, Tihar Jail shows that against the sentence of rigorous imprisonment for five years and fine of ₹1,000/- and in default thereof, simple imprisonment of six months, the petitioner has undergone incarceration for a period of one year six months

as on 22.9.2010, while excluding the period of remission of four months seven days, thus leaving the unexpired portion of sentence of three years, one month and seventeen days. His jail conduct is stated to be satisfactory. No other pending cases against the petitioner have been mentioned in column (20) of the nominal roll.

6. Having regard to the aforesaid submissions made by the counsel for the petitioner, the petitioner is 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 ₹ 20,000/- with one local surety of the like amount to the satisfaction of the trial court.
- (ii) The petitioner shall mark his presence before the SHO of Police Station: Ashok Vihar 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 his 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.

DASTI to the parties.

SEPTEMBER 27, 2010
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(HIMA KOHLI)
JUDGE