

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ **W.P.(CRL) 1422/2010**

Decided on 29.11.2010

IN THE MATTER OF :

RANVIR Petitioner
Through: Mr. Gaurav Bhattacharya, Advocate
versus

THE STATE (GNCT OF DELHI) Respondent
Through: Mr. Piyush Singh, proxy counsel for
Mr. Vikas Pahwa, ASC for the State

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 writ petition is filed by the petitioner under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C praying *inter alia* for grant of parole for a period of 3 months for the purpose of filing a SLP before the Hon'ble Supreme Court of India, against the judgment dated 12.03.2010 passed by the High Court, dismissing Criminal Appeal No. 181/2004 and for maintaining social relations with his family members. The petitioner has been sentenced to rigorous imprisonment for life by the Learned ASJ in FIR No. 141/2004 registered at PS Bhajan Pura, under Sections 394/397/302/411/34 IPC.

2. The Counsel for the petitioner states that the order dated 10.08.2010 passed by the Govt. of NCT of Delhi, rejecting the application of the petitioner for grant of parole may be set aside. A perusal of the order of rejection shows that parole has been denied on the grounds that there is an adverse report of the police with regard to the petitioner getting involved in a similar type of offence and also there is an apprehension that he may jump parole.

3. The nominal roll of the petitioner was called for. As per the said nominal roll against a quantum of sentence of life imprisonment and a fine of ₹5,500/- in default thereof, rigorous imprisonment for fifteen months, the petitioner has already undergone a sentence of six years, four months and five days as on 27.08.2010 and earned remission for four months and eighteen days. His jail conduct for the past one year is stated to be satisfactory.

4. A status report is filed by the SHO of the area, which shows that verification of the application of the petitioner was carried out by the police authorities. The residential address of the petitioner at Hardoi, UP is found to be correct. Petitioner's parents and his elder brothers reside at this address. On enquiry, it was found that one of the brothers of the petitioner has also been convicted in the same case as the petitioner. It is however confirmed that there is no other criminal case pending against the petitioner.

5. The learned APP for the State opposes the grant of parole to the petitioner on the ground that there is a grave apprehension that he may jump parole. He further states that on enquiry from the family members of the petitioner, it was revealed that they were not aware of the steps taken

by the petitioner in regard to the filing of the S.L.P. Refuting these arguments, the counsel for the petitioner states that the petitioner has never been granted bail, interim bail or parole till date and there is no reason for the police to have formed such an opinion of the petitioner, and hence parole may not be denied to him.

6. The ground taken by the petitioner for grant of parole in the present petition is filing of SLP against the judgment of the High Court in Crl. Appeal No. 181/2004. The right of a citizen to effectively pursue his legal remedy in the last court of justice in the country by filing a SLP is a valuable right. The petitioner cannot be denied parole in such a case, particularly, since his jail conduct is stated to be satisfactory and there is no pending case against him.

7. In this view of the matter, the present petition is allowed. The petitioner is granted parole for a period of four weeks, subject to the following 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 trial court.
- (ii) The petitioner shall report to the SHO of Police Station: Bhajan Pura, once a week on every Sunday at 10:00 AM and shall not leave the National Capital Territory of Delhi during the period of parole.
- (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) Immediately upon the expiry of period of parole, the petitioner shall surrender himself before the Jail Superintendent.
- (v) The petitioner shall furnish a copy of the SLP filed in the Supreme Court to the Superintendent Jail at the time of surrendering.
- (vi) The period of parole shall be counted from the day after the date when the petitioner is released from jail.

8. The petition is disposed of.

DASTI.

NOVEMBER 29, 2010
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(HIMA KOHLI)
JUDGE