

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ **W.P.(CRL) 1454/2010**

Decided on 16.11.2010

IN THE MATTER OF :
HARPAL SINGH

..... Petitioner

Through: Mr. Anish Dhingra, Advocate

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Ms. Meera Bhatia, 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 arranging funds and for filing an SLP before the Supreme Court of India, against the judgment dated 25.05.2010 passed by the High Court, dismissing Criminal Appeal No. 362/2008. The petitioner has been sentenced to rigorous imprisonment for life by the Learned ASJ in FIR No. 294/2003 registered at PS Paschim Vihar, under Section 302 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 the residential address of the petitioner could not be verified, that both brothers of the petitioner were also involved in criminal activities and that there was apprehension that the petitioner would jump parole.

3. On the question of non-verification of the address of the petitioner as mentioned in the parole application, the counsel for the petitioner states that previously the petitioner has been released on interim bail twice by the Ld. Trial court and the address mentioned in the application was the same address as the one mentioned in the present petition and that bail bonds were also submitted on the same address and on both the occasions, the address of the petitioner was verified by the local police.

4. 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 Rs.10,000/- in default thereof, simple imprisonment for 6 months, the petitioner has already undergone a sentence of seven years, one month and twenty five days as on 25.09.2010 and earned remission for ten months. His jail conduct for the past one year is stated to be satisfactory.

5. 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 Hari Nagar, as mentioned in the petition, was found to be incorrect, and after enquiries from the residents of the locality it was found that it was the petitioner's elder brother Sh. Navrang Pal, who is residing at that address with his

family. The status report notes that the elder brother of the petitioner owns a hardware factory and hence, is financially sound and can assist the petitioner with filing the SLP from the jail. The learned ASC expresses an apprehension that the petitioner may jump parole, as both the brothers of the petitioner are involved in criminal activities.

6. The ground taken by the petitioner for grant of parole in the present petition is for arranging funds and for filing of SLP against the judgment of the High Court in Crl. Appeal No.362/2008. The petitioner ought not to be denied parole for engaging a competent counsel to file a SLP 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 one month, subject to the following conditions:-

- (i) The petitioner shall furnish a personal bond in the sum of Rs.10,000/- with one local surety of the like amount, which shall be one of his family members, to the satisfaction of the trial court.
- (ii) The petitioner shall report to the SHO of Police Station: Paschim Vihar, 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 off.

DASTI.

NOVEMBER 16, 2010
pm

(HIMA KOHLI)
JUDGE