

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ **W.P.(CRL) 1524/2010**

Decided on 28.10.2010

IN THE MATTER OF :
MAHENDER SINGH

..... Petitioner

Through: Ms. Ritu Gauba, Advocate

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Ms. Meera Bhatia, 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 writ petition is filed by the petitioner under Article 226 of the Constitution of India read with Section 482 of the Cr.PC praying *inter alia* for quashing of the order dated 20.08.2010 passed by the Govt. of NCT of Delhi, rejecting the application of the petitioner for grant of parole on the ground that the same was pre-mature. The petitioner has also sought his release for a period of three months to engage a counsel for drafting and filing a SLP in the Supreme Court against the judgment dated 17.05.2010 passed by the High Court in Crl.Appeal No.1025/2008 arising out of FIR No.553/2004 under Sections 304/380 IPC.

2. 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.7,000/- in default, simple imprisonment for 9 months, the petitioner has undergone a sentence of five years, eight months and four days as on 06.10.2010 and earned remission for one year, three months. His jail conduct for the past one year is stated to be satisfactory. It is further noted that the petitioner was granted interim bail w.e.f. 06.10.2009 to 06.12.2009 in Crl.Appeal No. 1025/2008.

3. A status report is filed by the SHO of the area. Learned ASC for the State also hands over a status report filed by the Govt. of NCT of Delhi. As per both the status reports, it is stated that verification of the application was carried out by the police authorities. The residential address of the petitioner is found to be correct. The victim's husband is the convict's brother and resides nearby and hence, there is apprehension of law and order problem. It is however confirmed that there is no criminal case pending against the petitioner and no family person of the petitioner is associated with any gang.

4. The only ground for rejecting the parole application of the petitioner is the fact that he was granted interim bail for a period of two months w.e.f. 06.10.2009 to 06.12.2009. The said interim bail was granted to the petitioner to enable him to undertake repairs of a portion of the jointly family property in his possession and occupation. The ground taken for parole in the present petition is filing of SLP against the judgment of the High Court in Crl.Appeal No.1025/2008. The petitioner ought not to be denied parole for filing a SLP particularly, since his jail conduct is stated to

be satisfactory and there is no pending case against him.

5. 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 ₹20,000/- with two local sureties of the like amount to the satisfaction of the trial court.
- (ii) The petitioner shall report to the SHO of Police Station: Timar Pur, 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.

6. The petition is disposed of.

DASTI.

OCTOBER 28, 2010
rkb

(HIMA KOHLI)
JUDGE