

34

\$~

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 1137/2011

SABAL SINGH @ MAKHAN SINGH Petitioner
Through Ms. Rakhi Dubey, Advocate

versus

STATE Respondent
Through Mr. Dayan Krishnan, A.S.C. for State.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

% **ORDER**
08.11.2011

By this petition, the Petitioner seeks parole on the ground to renovate his damage house, to look after his minor children and to re-establish social ties.

On a notice being issued, a status report has been filed by the State. As per the status report, the Petitioner has five brother; two of whom are residing in Delhi, and three Etawah, U.P. The father of the Petitioner expired one year ago and it appears that even at that stage the Petitioner did not avail parole. Further, the Petitioner has two sons; one is living with Pratap the brother of the Petitioner and the other living in an orphan house in Delhi.

In the facts and circumstances of the present case, I deem it to be a fit case to grant parole to the Petitioner. It is, therefore, directed that the Petitioner be released on parole for a period of four weeks on his furnishing a personal bond in the sum of Rs.10,000/- with one surety of the like amount subject to the satisfaction of the learned Trial Court/CMM.

.Petition is disposed of. Copy of this order be communicated to the Petitioner through Superintendent, Tihar Jail.

Mukta Gupta
MUKTA GUPTA,J

NOVEMBER 08, 2011/dk

—fresh C.M.A. 2366/2012— for variance of directing to the Trial Court to consider the release of petitioner after accepting surety bond.

2# \$~

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
 + **W.P.(CRL) 1137/2011**

SABAL SINGH @ MAKHAN SINGH Petitioner

Through: Ms. Saahila Lamba, Advocate.
 Petitioner in custody.

versus

STATE Respondent

Through: Mr. Dayan Krishnan, Additional
 Standing Counsel with ASI Alauddin,
 PS GTB Enclave.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **16.03.2012**

Crl. M.A. NO. 2366/2012

By this application the petitioner seeks directions from this Court to the learned Trial for accepting the surety bond furnished by him. According to the Petitioner his brother appeared before the learned Trial Court for furnishing the surety bond, however the same were not accepted by the learned Trial Court in view of the fact that the time period of the parole had expired. A report was called by this court from the learned Trial Court. As per the learned Trial Court on 1st December, 2011 on furnishing of the surety the Court directed the SHO to verify the same and report on 2nd December, 2011. Later on the same day it has been noted that the applicant seeks to withdraw the bail bond and thus the bail bond was dismissed as withdrawn.

The petitioner has been produced in Court today. According to the Petitioner, since there was a delay in furnishing the surety bond and only one week time of the parole remained the trial court advised that no useful

W.P.(CRL) 1137/2011

Page 1 of 2

purpose will be served by availing the parole and thus the bail bond was withdrawn. This court had already clarified that the learned Trial Court has no jurisdiction to curtail the period of parole or interim bail granted by this Court. A detailed order in this regard was passed in *Ravi Prakash @ Ravi vs. State, Crl. Appeal 553/2011* dated 1st March, 2012 which the Registrar General of this Court was directed to circulate to all the learned Additional Sessions Judges and the learned Metropolitan Magistrates.

It is highly unfortunate that parole and interim bails given to the poor people are not being permitted to be availed in view of the unwarranted technicalities sought to be created.

The learned Trial Court/CMM is directed to accept the surety bond on being satisfied and permit the petitioner to avail the parole for a period of four weeks.

Application stands disposed of.

Copy of the order be communicated to the Petitioner through Superintendent, Tihar Jail.


MUKTA GUPTA, J.

MARCH 16, 2012/'vn'