

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(CRL) 382/2015

Date of Decision: 25th March, 2015

NEERAJ

..... Petitioner

Through:

Mr Puneet Singhal, Advocate

versus

STATE

..... Respondent

Through:

Mr O.P. Saxena, Additional Public
Prosecutor for the State for Mr. Saleem
Ahmed, ASC for State alongwith SI Sunil,
P.S Tilak Marg, New Delhi

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

ORAL

: SUNITA GUPTA, J.

1. This is a petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C filed on behalf of the petitioner seeking parole for a period of three (3) months for engaging a private counsel in order to file an SLP before the Hon'ble Supreme Court of India and to maintain family bonding and re-establishing social ties.

2. Learned counsel for the petitioner submits that the petitioner intends to file an SLP before the Supreme Court against the order of this Court. Apart from this, the petitioner wants to maintain family bonding and re-establishing social ties. Learned counsel for the petitioner submits that the petitioner will not misuse the liberty of parole and the purpose of his getting parole is only to file SLP before Supreme Court. He further submits that in terms of Parole/Furlough Guidelines-2010 issued by the Government of National Capital Territory of Delhi, it is open to the Government to consider the applications for grant of parole inter alia on various grounds which also includes the ground of filing of a Special Leave Petition before the Supreme Court of India against a judgment delivered by the High Court convicting or upholding the conviction, as the case may be. Counsel submits that in the present case also, the petitioner is seeking parole for filing SLP before the Supreme Court which is covered by ground 9.7, therefore, the present petitioner may be granted parole for the said

purpose. The said guideline reads as under:-

"9.7 To pursue the filing of a Special Leave Petition before the Supreme Court of India against a judgment delivered by the High Court convicting or upholding the conviction, as the case may be."

3. Status report has been filed by the State where the prayer is opposed by the State. It has been submitted that the Investigating Officer visited the house of petitioner and found that his family members have been living at Servant Quarter and has no permanent address as such stringent conditions may be imposed upon petitioner in case parole is granted to him.

4. Considering all the facts and circumstances of the case and the fact that the petitioner is seeking parole for the purpose of filing SLP before the Supreme Court, which is permissible under the guidelines, the prayer for grant of parole is allowed and the petitioner is granted parole for a period of three (3) weeks from the date of his release to enable him to file SLP in the Supreme Court, on his furnishing personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent and subject to the following conditions:-

- (i) During the period of parole, the petitioner shall report to the Duty Officer, P.S. Tilak Marg, New Delhi on every Wednesday and Saturday at 10 AM.
- (ii) The petitioner shall keep the SHO, P.S. P.S. Tilak Marg, New Delhi informed about his place of residence in Delhi and his contact numbers i.e. mobile, landline or both.
- (iii) During the period of parole, the petitioner shall remain in Delhi and he shall not cross the border/limits of NCT of Delhi.

5. It is, however, made clear that on expiry of the parole period of three (3) weeks, the petitioner shall surrender before the concerned Jail Superintendent, who shall submit the surrender report to this Court alongwith the particulars of the SLP filed by the petitioner before the Supreme Court.

6. Petition stands disposed of accordingly.

Copy of order be sent to the SHO, PS Tilak Marg for information.

A copy of this order be given dasti under the signatures of the Court Master to counsel for the petitioner.

SUNITA GUPTA (JUDGE)

March 25, 2015/*rd*