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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(CRL) 1779/2014**  
**COURT ON ITS OWN MOTION** ..... Petitioner  
Through:

Versus

**STATE OF NCT OF DELHI** ..... Respondent  
Through: Ms. Zubeda Begum, Adv. for  
GNCTD.  
Mr. Jasmeet Singh, Adv. for UOI.

**CORAM:**  
**HON'BLE THE CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**  
% **25.03.2015**

1. This petition in public interest was registered on receipt of letter dated 16<sup>th</sup> June, 2014 from the Special Judge, CBI-IX (P.C. Act), Central District, Tis Hazari Courts, Delhi acting as Inspecting Judge, Jail No.5, flagging the issue of inordinate delay in verification of sureties. It was informed that the release of prisoners who had been ordered to be released on bail was being unduly delayed owing to the process of verification of sureties being very slow. It has been suggested by the learned Judge that some steps be taken at the level of D.G. (Prisons) to not only standardize the process of verifications of sureties but to also create some agency / cell within its office itself which may follow up the verifications which are sent to different Superintendents of Police of different districts in the country. It is also suggested that since the Prison Department was itself conducting verification of sureties while processing the applications for parole, they

should also take up the task of verification of sureties on bail bonds instead of leaving it to the Police. The letter also stated that the time taken in the verification of sureties varies from 3 to 64 days.

2. Notice of the petition was issued.

3. A status report dated 11<sup>th</sup> March, 2015 has been filed by the Superintendent, Tihar Jail, Delhi stating:

- (a) that it will not be proper / suitable for the Prison Department to conduct verification of sureties on its own level as the department is processing the applications for parole of the convicts;
- (b) that every jail is having an exclusive office for convict section where adequate staff is deployed to verify the parole application;
- (c) that the Parole / Furlough Guidelines, 2010 notified on 17<sup>th</sup> February, 2010 also provide a limitation for verification and contain a provision that if verification is not done within the prescribed time, it shall be presumed that the concerned police authorities have no objection to grant of parole;
- (d) that no similar procedure is advisable for verification of sureties;
- (e) however it is suggested that verification of sureties by police be made time bound.

4. We have heard Ms. Zubeda Begum and Mr. Jasmeet Singh, Advocates.

5. We have during the hearing asked the counsels the reason for the delays, as in our view the beat constables of the localities of the residences of the sureties should not take much time in such verification.
6. No proper explanation is forthcoming.
7. We, at this stage do not deem it appropriate to issue any direction to shift the task of verification of sureties from police to the jail staff. This is a policy matter, decision whereof is dependent on a large number of factors and the Courts cannot issue any such direction. Also, jurisprudentially, it is only after conviction attaining finality that the jails get domain over the convict. Till then, he / she remains in the domain of the Courts and the police. The verification of sureties is thus not at par with the verification for parole / furlough.
8. There can however be absolutely no justification for delays in verification of sureties. An incarcerated ordered to be released on bail, once has furnished the bail bond with sureties, ought not to remain behind bars even for a minute more than necessary. No grounds, for shortage of personnel to conduct verification or non availability of the surety when visited by such personnel or the like can constitute a reason in law therefor. The State ought to ensure the infrastructure necessary for such verification within the minimum possible time and there can be no reason, sufficient enough for denying such a person his liberty.
9. After hearing the counsels though we had suggested time limit of three days for verification of local sureties and of a week for verification of outstation sureties but the counsels state that this time limit, to start with, may be too short.

10. On suggestion of counsels, we direct the Delhi Police including the Jail Superintendants to complete the process of verification of local sureties within ten days and outstation sureties latest within three weeks and direct all concerned to strictly comply with the said time limit. We further direct Station House Officers (SHOs) of all police stations in as well as outside Delhi, to whom request for verification of sureties may be forwarded, to act well within the said time limit.

11. Our direction aforesaid should however not be understood as giving time of ten days and three weeks, as the case may be, for verification. The process of verification, as aforesaid, should be immediate, maximum within 24 hours, as there is absolutely no justification for the State to for its own delays keep imprisoned a person who has been ordered to be released on bail. The time limit fixed by us is the maximum and which maximum is to be availed of only in difficult cases and not to be made a norm. It should not be that verifications which now are being done sooner, are also delayed.

12. We however at this stage do not deem it proper to also provide that upon verification being not completed within the said time, the person shall be entitled to be released without a proper bail bond also. However the police personnel / officer on whose account the process of verification is delayed, shall become liable for departmental action.

13. We direct that this order be widely circulated and advertised to make all police personnel aware thereof and further direct the police officials to take departmental action against the erring police officials / personnel.

14. A copy of this order be also forwarded to all the District & Sessions Judges for onward transmission to all the Jail Inspecting Judges who are requested to, if delays in verification continue, bring the matter to the attention of this Court.

The writ petition is disposed of.

**CHIEF JUSTICE**

**RAJIV SAHAI ENDLAW, J**

**MARCH 25, 2015**

‘gsr’..