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

+ W.P.(CRL) 897/2015

SHASHI SHEKHAR @ NEERAJ Petitioner
Through: Ms.Neha Kapoor, Advocate.

versus

STATE OF THE NCT OF DELHI Respondent
Through: Mr. Ranbir Singh Kundu,
Addl.Standing Counsel.
SI Sandeep Kumar, P.S.Vasant Kunj.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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07.07.2015

Crl.M.A No.6955/2015

The petitioner has prayed for taking on record the order passed by the Competent Authority whereby his prayer for parole has been rejected. The order dated 28.04.2015 is taken on record.

The application is disposed of.

W.P.(CRL) 897/2015

This is a petition for release of the petitioner on parole on the ground of ill health and the requirement of BMV surgery of his wife.

It has been submitted on behalf of the petitioner that by order dated 02.02.2015, this court released the petitioner on parole. The date of surgery was originally fixed for 04.04.2015 but was postponed for 02.05.2015 as the necessary equipments for BMV Surgery was not available in the hospital.

Thereafter, again a writ petition was filed vide W.P.(Crl.)

No.750/2015 seeking a prayer for extension/release on parole on the same grounds. The aforesaid petition was disposed of by order dated 17.04.2015 directing the petitioner to move an appropriate representation for parole within a period of 2 days from the date of the passing of the order and the Competent Authority was directed to dispose of such petition within a period of one week thereafter under intimation to the petitioner. The petitioner submits that pursuant to such an order of this court, he approached the competent authority but no order was passed.

Considering the emergency, the petitioner has preferred the present petition. However, during the pendency of the present petition, the competent authority passed the order on 28.04.2015, rejecting the prayer of the petitioner. The aforesaid order has been brought on record by the petitioner. A perusal of the order reflects that parole was rejected on the ground that there was no requisite police verification about the address and the grounds taken by the petitioner. The order also takes reference of para 12.5 of Parole/Furlough guidelines, 2010 which provides that parole would not normally be granted if the petitioner is convicted of murder and rape or convicted for multiple murders.

The nominal roll of the petitioner discloses that he has been convicted for offences punishable under Sections 302 & 392 of the Indian Penal Code. There are two other cases against him in which he has been convicted under Sections 302/392 and 302/392/397 IPC. The conduct of the petitioner is unsatisfactory as he has been punished a number of times. The nominal roll further reflects that no labour work has been allotted to him because he is lodged in high security ward.

Learned counsel for the petitioner submits that despite this, the

petitioner was released on parole several times by the High Court and every time when the period of parole expired, he surrendered before the Jail Authorities. It is further submitted that wife of the petitioner has to undergo BMV Surgery and now she has been advised to be admitted in Sir Ganga Ram Hospital, Delhi on 10.07.2015 for undergoing the BMV Surgery. Before the operation, the hospital authorities would require her admission for 24 hours.

The aforesaid facts were verified by the Station House Officer, P.S. Vasant Kunj. The status report filed today and which has been taken on record, however, reveals that in case the wife of the petitioner undergoes surgery and during the process if any one of the valves rupture, then she would have to undergo open heart surgery and would be required to stay in the hospital for about 8-10 days. However, the chances of such mishap are 1 to 2 percent only.

Considering the fact that wife of the petitioner has to be operated upon and for which, date for admission in the hospital has been fixed, this court is inclined to release the petitioner on parole for a period of 30 days from the date of release.

The petitioner would be released on parole on his furnishing a bond in the sum of Rs.10,000/- with two sureties of the like amount, one such surety being of a close relative of the petitioner who would not be having any criminal antecedents, subject to the satisfaction of the Superintendent of the concerned jail.

The release of the petitioner would be subject to the condition that he would not move out of Delhi under any circumstances. He shall report to the SHO of the concerned police station every alternate day. The petitioner

would furnish his mobile telephone number and the mobile numbers of the sureties to the Superintendent of Jail as also the SHO of the concerned police station. Any action of the petitioner which would give an impression to the SHO of the concerned police station that he is trying to contact the family of the victim or the witnesses of the cases in which he has been convicted, the SHO concerned shall have the liberty to file two pages affidavit in this petition whereby this petition would be revived and the Court would consider cancellation of the parole granted to the petitioner.

The petitioner, needless to say would surrender before the Jail Authorities on or before the date when such period of one month expires.

The petitioner would not take the ground of continuing treatment of his wife for not surrendering before the Jail Authorities and would not seek any extension without first surrendering to the Jail Authorities.

The petition is allowed and disposed of accordingly.

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

JULY 07, 2015/k

ASHUTOSH KUMAR, J