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

+ W.P.(CRL) 1378/2015

VIJAY JAIN Petitioner
Through: Mr.Habibur Rahman, Advocate.

versus

STATE Respondent
Through: Mr.Rahul Mehra, Standing Counsel (Crl.)
with Mr.Jamal Akhtar, Advocate.
SI Vijay Baliyan, P.S.Farsh Bazar

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER
10.07.2015

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The petitioner is aggrieved by the order dated 1.6.2015 passed by the competent authority whereby his prayer for grant of parole has been rejected on the ground that he has not served one year imprisonment as a convict, which is the requirement for being released on parole.

The order takes note of the fact that the petitioner has served only 9 months of sentence after conviction. The ground on which the parole was sought for filing of the SLP before the Supreme Court. Filing of petitions before Superior Court is a statutory right of any convict and even if he has not remained in custody for a year as a convict, it should not come in the way of his approaching the Superior Court, challenging the judgment of conviction.

Mr.Mehra, learned Standing Counsel submits that the petitioner was

sentenced for life by the Trial Court but on appeal, the sentence was reduced to 5 years for the offence under Section 34 Part II of the Indian Penal Code.

Taking into account the fact that the petitioner has to file SLP before the Supreme Court, this Court is inclined to release him on parole.

Let the petitioner be released on parole for a period of 30 days from the date of his release subject to the petitioner furnishing a bond in the sum of Rs.10,000/- with two sureties of like amount, one such surety to be the wife of the petitioner, to the satisfaction of the Trial Court, subject to the following conditions:-

- a) The petitioner shall surrender before the jail authorities on or before the expiry of the said period of parole.
- b) The petitioner shall not engage himself in any unlawful activity.
- c) The petitioner would not leave, under any circumstance, the National Capital Territory of Delhi.
- d) He shall furnish his mobile telephone number and the mobile telephone number of both the sureties to the SHO of the concerned police station so that in case of necessity he could be tracked and his whereabouts could be ascertained.

In case, the petitioner flouts any one of the conditions, an application could be moved by the SHO for cancellation of his parole and for taking of coercive steps for securing his attendance.

With these observations, the petition is disposed of.

Dasti.

A copy of this order be communicated to the Superintendent of the concerned Jail for information and compliance.

ASHUTOSH KUMAR, J

JULY 10, 2015

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