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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1383/2015**
BAL KISHAN

..... Petitioner

Through Mr.Imran Khan, Adv.

versus

STATE

..... Respondent

Through Mr.Sanjay Lao, ASC.

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER
% **21.08.2015**

The petitioner, who stands convicted under Section 304A and 279 of the IPC, has made a prayer before the competent authority for being released on parole for preferring a SLP before the Hon'ble Supreme Court of India as also for reconnecting the social ties with the society and family.

The prayer was rejected by the competent authority on 13.05.2015 by taking recourse to para 11.1 of Parole/Furlough Guidelines, 2010 which provides that "a convict must have served at least one year in prison excluding any period covered by remission". The petitioner had served only 4 months and 06 days and therefore, his prayer for parole was rejected.

The competent authority has also relied upon the adverse police report regarding the possibility of the wrong impact on the Law & Order in the area.

Learned counsel for the petitioner while questioning the order of the competent authority submits that the petitioner has been convicted under

Sections 279/304A of the IPC and there is no reason for the police or the state authorities to have submitted that his release for a specified period would impact adversely the law & order and even tempo of life in the society.

The ground taken by the competent authority, it has been argued, is illusory. The petitioner, with reference to the nominal roll, submits that his conduct in the jail has been satisfactory and he has been maintaining good behaviour in the jail.

The status report affirms the place of residence/residential address of the petitioner.

A convict/petitioner cannot be prevented from availing his legal remedies. Considering the fact that the petitioner is required to file SLP before the Hon'ble Supreme Court of India, this Court is inclined to release him on parole.

The petitioner is directed to 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.5,000/- with one surety of like amount, 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) If the petitioner is required to go out of the territory of Delhi, he would intimate about his visit to the SHO of the concerned police station.
- d) He shall furnish his mobile telephone number and the mobile telephone number of the surety 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 the coercive steps for securing his attendance.

With these observations, the petition is disposed of.

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

Dasti.

ASHUTOSH KUMAR, J

AUGUST 21, 2015

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