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

Date of decision: 11.08.2015

+ W.P.(CRL) 1439/2015

SALAUDDIN

..... Petitioner

Through

**Mr. Ali Choudhary for Ms. Arundhati
Katju, Advocate**

versus

STATE

..... Respondent

Through

**Mr. Rajesh Mahajan, ASC (Crl.)
SI Kuldeep Kumar, P.S. Saket**

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. The present is a petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking release of the petitioner on parole for three months in order to enable him to file a Special Leave Petition (SLP); to arrange funds for the same; and to re-connect social ties with the family and society.

2. The petitioner is aggrieved by the order dated 13th May, 2015 whereby his application for grant of parole on the afore-stated grounds has been rejected by the Competent Authority of the respondent on the ground of “in absence of requisite police verification report regarding verification of

address and grounds taken by convict from concerned police authority i.e. SHO, Saket, New Delhi which could not be obtained despite several requests. Further, the convict, if desires, can file SLP from jail itself where free legal aid is available to prisoners.”

3. A perusal of the nominal roll *qua* the petitioner reveals that the petitioner has already undergone incarceration for a period of four years and six months approximately out of the total sentence of seven years imposed on him. The conduct of the petitioner for the last one year in jail has been satisfactory.

4. The grounds inter alia stated in the impugned order dated 13th May, 2015 for rejecting the petitioner’s representation for parole are not supported by any cogent material and are not only in the teeth of decisions of this court but also violative of the constitutional right of the petitioner to prosecute an appeal before a higher court.

5. It is trite to state that there are number of judicial pronouncements in which it has been held that the petitioner is entitled to parole in order to prosecute proceedings before a higher court.

6. In the circumstances, since the petitioner wants to assail the judgment and order dated 10th December, 2014, whereby his appeal being CrI.A.No. 1661/2014 has been dismissed by this Court, by preferring an SLP against the said judgment and order, the petitioner is enlarged on parole for the period of one month from the date of his release subject to his furnishing personal bond in the sum of Rs.5,000/- with one surety of the like amount to the satisfaction of the Jail Superintendent, Tihar. The petitioner is directed not to leave the NCT of Delhi during the parole period. During the period the petitioner remains out on parole, he shall report to the SHO, Police Station Saket, Delhi, once a week on every Thursday. The petitioner shall also furnish his mobile telephone number which he undertakes to keep operational to the Superintendent, Central Jail, Tihar. The petitioner shall surrender immediately on the expiry of the period of parole before the jail authorities.

7. The writ petition is allowed with the above said directions.

8. A copy of this order be sent to the Jail Superintendent, Tihar for compliance and communication to the petitioner.

SIDDHARTH MRIDUL, J

AUGUST 11, 2015/sd