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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 1587/2015
PARVINDER @ MOTI

..... Petitioner

Through: Mr.Rajesh Pandey, Adv.

versus

STATE OF NCT DELHI

..... Respondent

Through: Mr. Sanjay Lao, ASC for the State
with Mr. Siddharth Sindhu, Adv.
SI Neeraj Kumar and SHO/Inspector Virender
Kumar, PS Vasant Kunj

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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21.09.2015

The petitioner had prayed before the competent authority for his release on parole for filing SLP before the Supreme Court of India against the judgment and order passed in appeal by Delhi High Court affirming his conviction and sentence and for reconnecting social ties.

Till the filing of the writ petition, the prayer of the petitioner was not acted upon.

During the course of arguments, Mr. Sanjay Lao, Additional Standing Counsel informed the Court that the competent authority has passed the order and also handed over a copy of the order dated 29.7.2015 whereby the prayer made on behalf of the petitioner was rejected.

A perusal of the order reveals that the competent authority was of the view that against the judgment and order passed in appeal, if the petitioner

so desires, he could prefer SLP from jail where free legal aid is available to all the prisoners.

Learned counsel for the petitioner has submitted that the petitioner has remained in jail for about eight years by now and his overall conduct in jail has been satisfactory. It has been specifically stated on behalf of the petitioner that the SLP against the judgment and order against him which has been passed in appeal, has not been filed before the Supreme Court of India till date.

It is one of the basic rights of a convict/petitioner to avail the legal remedies available to him. It certainly makes a difference when a convict/petitioner approaches a counsel of his choice for preferring SLP. Though free legal advice is available in jail but legal remedy ought to be to the satisfaction of the petitioner.

Considering the fact that the petitioner has remained in jail for long time and his conduct in jail has been satisfactory, 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.10,000/- 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.

Let a copy of this order be given *dasti* under the signatures of Court Master.

ASHUTOSH KUMAR, J

SEPTEMBER 21, 2015

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