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

+ W.P.(CRL) 1814/2015

KIRPAL SINGH

..... Petitioner

Through: Ms.Naomi Chander, Advocate.

versus

STATE

..... Respondent

Through: Ms.Megha Bahl, Advocate.
SI Bijender Singh, P.S.ACB, GNCT,
Delhi.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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17.11.2015

The petitioner questions the order dated 10.07.2015 passed by the competent authority whereby his prayer for being released on parole for preferring SLP before the Hon'ble Supreme Court of India as also for re-establishing social ties has been rejected. The competent authority has rejected such a prayer primarily on the ground that the petitioner has not undergone the mandatory period of one year in jail for earning the aforesaid concession of parole. Adverse police report has also weighed with the competent authority for rejecting his prayer for parole.

The nominal roll of the petitioner discloses that he has remained in custody for more than six months as against the sentence of one year. The overall conduct of the petitioner in jail has been satisfactory. It is submitted on behalf of the petitioner that the adverse police report is without any basis

and there is no material on record to suggest that any security problem would arise in the event of petitioner being released on parole or that the petitioner would jump the parole. True it is, that the petitioner can prefer SLP from the jail where there is availability of free legal aid; nonetheless such statutory right would be meaningless unless a convict is allowed to have a lawyer of his choice.

The status report affirms the address of the petitioner and the fact that the petitioner has home and hearth and has a permanent place of stay in Delhi.

Considering the aforesaid facts, the petitioner is directed to be released on parole for a period of 15 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 the 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.

ASHUTOSH KUMAR, J

NOVEMBER 17, 2015

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