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

+ W.P.(CRL) 1817/2015

SAMMI

..... Petitioner

Through Mr.Jivesh Tiwari, Adv.

versus

STATE

..... Respondent

Through Mr.R.S. Kundu, ASC with
Mr.Vishesh Wadhwa, Adv.
SI Sumer Chand Sharma PS Nabi
Karim.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **30.09.2015**

The petitioner questions the order dated 29.07.2015 passed by the competent authority whereby his prayer for being released on parole for filing SLP in the Hon'ble Supreme Court of India, to arrange funds for filing SLP and to maintain social ties, has been rejected.

The petitioner was not found to be entitled to be released on parole as he had not served, at the time of passing of the order by the competent authority, one year imprisonment which is mandatory for grant of parole. The other ground which weighed with the competent authority was the adverse police report and unverifiable address of the petitioner.

Status report has been filed which affirms the place of residence of the petitioner.

Learned counsel for the petitioner with reference to the nominal roll

submits that he has, by now, remained in jail for one year and his overall conduct in jail has been satisfactory. He has been maintaining an orderly behaviour and he is behaving like good inmate in the jail.

The apprehension of the police regarding adverse impact on law and order in case of his release is without any basis or credible information. Such apprehension, it has been suggested by the counsel for the petitioner, is illusory.

A person cannot be prevented from availing the legal remedies available to him. No doubt, in the jail today, there is facility for providing legal assistance to a convict and SLP could be filed from jail only, but it makes a lot of difference when a person gets an advocate of his choice.

Taking into account the above facts and circumstances, the petitioner is directed to be released on parole for a period of 30 days from the date of his release, on 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:-

- 1) The petitioner shall surrender before the jail authorities on or before the expiry of the said period of parole.
- 2) The petitioner shall not engage himself in any unlawful activity.
- 3) 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.
- 4) 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 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

SEPTEMBER 30, 2015

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