

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

Date of decision: 23.09.2015

+ W.P.(CRL) 2129/2015

UMESH

..... Petitioner

Through

Mr. Shiv Chopra , Advocate for Mr.
Mohd Faraz, Advocate

versus

STATE OF NCT OF DELHI

..... Respondent

Through

Mr. R.S.Kundu, ASC with Mr. Ankit
Kumar Gupta and Mr. Vishesh
Wadhwa, Advocates.

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 institute a Special Leave Petition (SLP) before the Hon'ble Supreme Court.

2. The petitioner is aggrieved by the order dated 10th August 2015 whereby his application for grant of parole on the abovestated grounds was rejected by the Competent Authority in view of adverse police report which stated that the convict may get involved in criminal activities if released and

may jump the parole. As per police report there is enmity of the convict in the village and he may disturb the law and order situation in the area.

3. A perusal of the reasons stated by the Competent Authority in the impugned order dated 10th August, 2015 reveals that the same are without any cogent material and general in nature.

4. A status report has been filed on behalf of the police. The same is taken on record. A perusal of the same does not disclose any reasons with respect to why the convict may involve himself in criminal activities if released or jump parole.

5. A perusal of the nominal roll *qua* the petitioner reveals that the petitioner has already undergone incarceration for a period of eight years and ten months out of the total sentence of life imprisonment and that his conduct in jail has been satisfactory from the inception of his incarceration.

6. There is no gainsaying the legal position that every convict is entitled to parole in order to prosecute proceedings before a higher court.

7. In the circumstances, since the petitioner wants to assail the judgment and order dated 8th April, 2015, whereby his appeal being CrI.A.No. 859/2012 has been dismissed by this Court, by preferring an SLP against the

said judgment and order, I see no impediment in allowing the present petition.

8. The petitioner is directed to be released on parole for the period of four weeks from the date of his release subject to his furnishing personal bond in the sum of Rs.5,000/- (rupees five thousand) with one surety of the like amount to the satisfaction of the Trial Court. The petitioner shall report to the SHO, Police Punjabi Bagh, New Delhi, once a week on every Monday, during the period he remains out on parole. The petitioner shall also furnish his mobile telephone number to the concerned SHO. The petitioner shall undertake to keep the said telephone number operational during the period of parole. The petitioner shall not to leave the NCT of Delhi during the parole period. The petitioner shall surrender immediately on the expiry of the period of parole before the jail authorities.

9. The writ petition is allowed with the above directions.

10. A copy of this order be sent to the Jail Superintendent, Tihar for information and compliance.

SIDDHARTH MRIDUL, J

SEPTEMBER 23, 2015

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