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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 2354/2015
SURENDER KUMAR

..... Petitioner

Through: Counsel (appearance not given)

versus

STATE

..... Respondent

Through: Ms. Richa Kapoor, ASC for the State
with Mr. Rohit Kaul and Mr. Ashish Negi, Advs.
SI Ram Chandra, PS Maurice Nagar

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **19.10.2015**

Ms. Richa Kapoor, Additional Standing Counsel files the status report during the course of hearing of this petition. Let it be taken on record.

The petitioner has questioned the order dated 15.9.2015 passed by the competent authority whereby the prayer made on behalf of the petitioner for being released on parole for the purposes of filing SLP before the Supreme Court of India, arranging funds for the same and reconnecting social ties has been rejected on the ground of adverse police report against him. The order of the competent authority also takes into account the fact that the petitioner has recently returned to jail after availing regular bail from 1.2.2014 to 21.5.2015 by the order of Delhi High court.

The competent authority has expressed the opinion that if at all SLP is required to be filed, the same could be filed from the jail itself where there is a provision of free legal aid to the prisoners.

Times without the number, the right of an accused or convict to prefer his legal remedy with a lawyer of his choice, has been affirmed by various courts including the Supreme Court of India as it is one of the statutory rights of a convict to have recourse to legal remedies and for such right to become effective, one has to have a counsel of his choice.

The nominal roll of the petitioner suggests that his conduct in jail has been satisfactory. The status report further reveals that the petitioner has a family of wife and children who are residing in Delhi at a definite and verifiable address.

Considering the fact that the petitioner is required to file SLP before the Supreme court of India and also the fact that the overall conduct of the petitioner is 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 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

OCTOBER 19, 2015

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