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

+ W.P.(CRL) 2758/2015

SANTOSH KUMAR SINGH Petitioner
Through Mr.Avinash Sharma & Mr.Amod
Singh, Advs.

versus

STATE (GOVT OF NCT) DELHI & ANR Respondents
Through Mr.Rahul Mehra, Standing counsel
with Mr.Jamal Akhtar & Mr.Amrit
Singh, Advs.
Insp.Santan Singh PS Vasant Kunj.
Mr. Sanjeev Bhandari, ASC for CBI.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **22.12.2015**

The petitioner had sought release on parole for the purposes of attending to his wife who is shortly to deliver and also take part in Barsi ceremony of his late brother.

The aforesaid prayer of the petitioner was rejected by the competent authority on 16.11.2015.

The grounds for rejection are that six months had not elapsed from the last parole and that the petitioner has been convicted for murder and rape.

Adverse police report regarding unfavourable impact on the family members of the deceased and negative impact on law and order and security in the area, also appear to have weighed with the competent authority in rejecting his prayer.

Mr.Rahul Mehra, Standing Counsel, submits that the petitioner has been given the concession of parole and furlough a number of times, as and when it was required. The last furlough was availed by the petitioner from 03.09.2015 to 18.09.2015. The last parole was granted to the petitioner by High Court from 22.05.2015 to 10.06.2015 which was extended up to 19.06.2015.

Mr.Mehra, however, submits that the fact of the wife of the petitioner being on a family way has been verified and has been found to be correct. The expected date of delivery is stated to be 26.12.2015. The wife of the petitioner is residing with her parents in a Village falling in the District of Rohtas, in the State of Bihar.

Learned counsel for the petitioner submits that the petitioner has remained in custody for more than 13 years by now and on earlier occasions when he was released on parole or furlough, nothing adverse was reported against him.

His overall conduct in jail has been satisfactory throughout.

Considering the fact that the petitioner has remained in jail for about 13 years by now; has not violated any one of the conditions of the parole or furlough when such concessions were granted to him earlier and that his wife is shortly to deliver, this Court is inclined to release the petitioner on parole.

The petitioner shall be released on parole for a period of 30 days from the date of his release on his furnishing a bond in the sum of Rs.25,000/- with two sureties 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) The petitioner, during the period that he remains in his home town, shall inform the officer incharge of the concerned police station in whose jurisdiction his village is situated about his stay in the village.
- d) He shall also get his presence marked in the police station on every third day.
- e) 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 given dasti under the signatures of the Court Master.

ASHUTOSH KUMAR, J

DECEMBER 22, 2015

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