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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2859/2015**
GOVIND @ BHARAT Petitioner

Through Mr.Habibur Rahman, Adv.

versus

STATE Respondent
Through Mr.Rahul Mehra, Standing counsel
with Mr.Jamal Akhtar, Adv.
SI Ajay Singh PS S.P. Badli.

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER
% **09.12.2015**

The prayer of the petitioner to be released on parole for the purposes of filing SLP before the Hon'ble Supreme Court of India has been rejected vide order dated 06.11.2015.

Adverse police report seems to have weighed with the competent authority. The competent authority has also held that the petitioner could file SLP from the jail where free legal aid is available.

Learned counsel for the petitioner has submitted that the petitioner has remained in jail for more than 2 ½ years and his overall conduct in jail has been satisfactory.

The perception of the police and their apprehension about the negative impact on law and order in case of release on parole of the petitioner is not based on any credible information or material.

No doubt a convict can file SLP from the jail only where free legal aid is available but right to legal remedies would remain illusory if a convict is

not allowed to have a lawyer of his own choice.

Considering the aforesaid aspect as also taking into account the conduct of the petitioner, this Court is inclined to release the petitioner on parole for a specified period.

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.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) The petitioner would not leave, under any circumstance, the National Capital Territory of Delhi.
- d) 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 coercive steps for securing his attendance.

With these observations, the petition is disposed of.

Dasti.

Order be communicated to the petitioner through Jail Superintendent.

ASHUTOSH KUMAR, J

DECEMBER 09, 2015/ab