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

**Date of decision: 16.12.2015**

**W.P.(CRL) 2985/2015**

**KUMAR PAL**

..... Petitioner

Through: Ms. Sana Ansari, Advocate for Mr.  
S.A. Chaudhary, Advocate

versus

**STATE**

..... Respondent

Through: Ms. Richa Kapoor, ASC (Criminal)  
with Mr. Rohit Kaul and Mr. Ashish  
Negi, Advocates and SI Satyavir  
Singh, PS- Narcotics Cell/Crime

**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 praying for a direction to the official respondent to release the petitioner on parole in order to enable him to prefer an SLP before the Hon'ble Supreme Court of India.
2. The petitioner is aggrieved by the order dated 23.11.2015 whereby his application for parole on the above ground was rejected by the Competent Authority for the following reasons:-

“..... **rejected** in view of adverse police report which states that the convict may jump the parole. The convict surrendered 01 day late on two earlier occasions when he was released on interim bail by the order of DHC.

Further, the convict if desires, can file SLP from jail itself, where free legal aid is available to prisoners.”

3. The grounds stated by the Competent Authority in the impugned order dated 23.11.2015 whilst rejecting the petitioner’s representation for grant of parole are specious in view of the circumstance that although the petitioner surrendered late, he surrendered on his own. It is stated that the petitioner had surrendered late as a consequence of mis-calculation on his part.
4. A status report has been filed on behalf of the official respondent. The same is taken on record.
5. A perusal of the nominal roll qua the petitioner reveals that the petitioner has already undergone five years’ incarceration out of the total sentence of ten years imposed on him. The conduct of the petitioner in jail has been satisfactory. It is further observed that on earlier occasions as well the petitioner has been released on furlough as well as interim bail and has not misused the liberty granted to him.

6. It is trite to say that there are number of judicial pronouncements in which it has been held that it is the constitutional right of every convict to be released on parole in order to prosecute proceedings before a higher court.

7. In the circumstances, since the petitioner wants to assail the judgment dated 12.08.2015, whereby his appeal being CRL.A.No.628/2011 was dismissed, by preferring an SLP against the said judgment and order, the petitioner is enlarged on parole for the period of four weeks from the date of his release subject to his furnishing a personal bond in the sum of Rs.5,000/- (Rupees Five Thousand) with one surety of the like amount to the satisfaction of the Jail Superintendent, Tihar subject to the following conditions:-

- (i) During the period the petitioner remains out on parole, he shall report to the SHO, Police Station- Narcotics Cell/Crime, Darya Ganj, Delhi, once a week on every Friday.
- (ii) The petitioner shall also provide the SHO, Police Station- Narcotics Cell/Crime, Darya Ganj, Delhi with his mobile telephone number which he undertakes to keep operational.
- (iii) The petitioner shall not leave the National Capital Territory of Delhi during the period of parole, without the prior permission of this Court.
- (iv) The petitioner is directed to surrender before the jail authorities at the expiry of the period of parole.

8. The writ petition is disposed of accordingly.
9. A copy of this order be sent to the Jail Superintendent, Tihar for necessary compliance and communication of the same to the petitioner.

**SIDDHARTH MRIDUL, J**

**DECEMBER 16, 2015**

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