

#40

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 16.12.2015

W.P.(CRL) 2980/2015

RAJ SINGH @ RAJU

..... Petitioner

Through: Counsel (appearance not given)

versus

STATE

..... Respondent

Through: Ms. Kamna Vohra, ASC (Criminal)
with Ms. Richa Kapoor, ASC
(Criminal) and Inspector Veer Singh,
SHO and ASI Shyam Sunder, PS-
Mukherjee Nagar

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 16.11.2015 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 grounds given in the application does not appear to be genuine. The family member of convict may arrange fund for filing SLP. There is possibility of jumping the parole if the convict is released.

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

3. A perusal of the nominal roll qua the petitioner reveals that the petitioner has already undergone four years’ incarceration out of the total sentence of eight years awarded to him by this Court. The conduct of the petitioner in jail has been satisfactory from the very inception of his incarceration.

4. 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.

5. In the circumstances, since the petitioner wants to assail the judgment dated 25.08.2015, whereby his appeal being CRL.A.No.510/2013 was disposed of by this Court, by preferring an SLP against the said judgment and order, the petitioner is enlarged on parole for a 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- Mukherjee Nagar, Delhi, once a week on every Friday.
- (ii) The petitioner shall also provide the SHO, Police Station- Mukherjee Nagar, 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.

6. The writ petition is disposed of accordingly.

7. 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

dn