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

+ W.P.(CRL) 2629/2015

JOGINDER PAL BHATIA

..... Petitioner

Through: Mr.Ajay Verma & Ms.Manjeeta
Kumari, Advocates

versus

STATE

..... Respondent

Through: Ms.Kamna Vohra, A.S.C. for the
State with ASI Devender Kumar PS
Uttam Nagar

AND

+ W.P.(CRL) 273/2016

MANJU @ GEETA

..... Petitioner

Through: Mr.Kunal Aurora, Advocate for
Ms.Anu Narula, Advocate

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Ms.Megha Bahl, Advocate for
Mr.Avininder Singh, A.S.C. for the
State with ASI Devender Kumar PS
Uttam Nagar

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

08.02.2016

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1. These two petitions have been filed by the petitioners from Jail praying for grant of parole to enable them to file SLP before the Hon'ble Supreme Court and to maintain social ties.
2. On behalf of petitioners, it has been submitted that the representations made by the petitioners to the Government of NCT of Delhi praying for

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grant of parole to enable them to file SLP before the Supreme Court have been rejected by the competent authority and the copy of the rejection orders have been placed on record.

3. Learned counsel for the Petitioners have further submitted that in terms of Parole/Furlough Guidelines-2010 issued by the Government of National Capital Territory of Delhi, it is open to the Government to consider the applications for grant of parole inter alia on various grounds which also includes the ground of filing of a Special Leave Petition before the Supreme Court of India against a judgment delivered by the High Court convicting or upholding the conviction, as the case may be. The petitioners are seeking parole for filing SLP before the Supreme Court which is covered by ground 9.7, therefore, the petitioners may be granted parole for the said purpose. The said guideline reads as under:-

"9.7 To pursue the filing of a Special Leave Petition before the Supreme Court of India against a judgment delivered by the High Court convicting or upholding the conviction, as the case may be."

4. On behalf of the State, it has been submitted by learned Addl. Standing Counsel that the petitioners before this Court have been convicted in case FIR No.898/2007 under Sections 302/201/120-B/34 IPC, PS Uttam Nagar. Learned ASC for the State has further submitted that as per Clause 13 of Parole/Furlough Guidelines-2010 issued by the Government of National Capital Territory of Delhi, if there are more than one convict in a case who are lodged in the same prison, the co-accused convicts would not be released simultaneously. He has further submitted that since the petitioners are co-convicts in case FIR No. 898/2007 under Sections 302/201/120-B/34 IPC, PS Uttam Nagar, they cannot be released on parole simultaneously, hence appropriate orders may be passed keeping in view the

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Parole/Furlough Guidelines-2010 issued by the Government of National Capital Territory of Delhi.

5. Considering the facts and circumstances of the case and the fact that the Petitioners are seeking parole for the purpose of filing SLP before the Supreme Court, which is permissible under the guidelines, the prayer for grant of parole is allowed to the extent that the Petitioners are granted parole for a period of four weeks from the date of their release to enable them to file SLP in the Hon'ble Supreme Court, on their each furnishing personal bond in the sum of ₹ 10,000/- with one surety each of the like amount to the satisfaction of the concerned Jail Superintendent and subject to the following conditions:-

- (i) During the period of parole, the Petitioners shall report to the Duty Officer, P.S. Uttam Nagar, Delhi on every Monday at 10 AM.
- (ii) The Petitioners shall keep the SHO, P.S. Uttam Nagar, Delhi informed about their place of residence in Delhi and their contact numbers i.e. mobile, landline or both. It would be open to the concerned SHO to verify the address and the contact numbers and to seek cancellation of parole in case it is found to be incorrect.
- (iii) During the period of parole, the Petitioners shall remain in Delhi and they shall not cross the border and try to contact the witnesses in any manner whatsoever.
- (iv) The Petitioners shall submit proof of filing of the Special Leave Petition to the SHO, P.S. Uttam Nagar, Delhi with the name of counsel who filed the SLP.
- (v) While submitting the bail bond, they will furnish to the Jail Superintendent the address of the place where they would reside in Delhi during the period of parole as well as the contact numbers.

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6. It is made clear that grant of parole to the petitioner of W.P.(Crl) 273/2016 i.e. Manju @ Geeta shall be subject to furnishing local surety and after verification of the address of the surety as well as of the petitioner.
7. The Jail Superintendent concerned is directed to ensure that the present Petitioners, who are co-convicts in case FIR No. 898/2007 under Sections 302/201/120-B/34 IPC, PS Uttam Nagar, are not released on parole during the same period of time.
8. It is, however, made clear that on expiry of the parole period, the Petitioners shall surrender before the concerned Jail Superintendent, who shall submit the surrender report to this Court along with the particulars of the SLP filed by the Petitioners before the Supreme Court.
9. Writ Petition stands allowed in the above terms.
10. The Petitioner be informed through the Jail Superintendent about the order passed.

Order *dasti*.


PRATIBHA RANI, J.

FEBRUARY 08, 2016/'pg'