

\$~3

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

+ W.P.(CRL) 137/2016

VIRENDER SINGH @ PODHA
@ TICKET

..... Petitioner

Through Mr. Tarun Khanna for Ms. Saahila
Lamba, Advocate

versus

STATE

..... Respondent

Through Mr. R.S. Kundu, ASC (Crl.) with
Mr. Vishesh Wadhwa, Advocate
SI Narender Pal, PS GTB Enclave

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

%

03.05.2016

The present petition under Article 226 of the Constitution of India assails the order dated 10th July, 2015 whereby the petitioner's representation seeking parole on the ground "to file SLP in Supreme Court of India and to maintain social ties" has been rejected by the competent authority.

A perusal of the impugned order dated 10th July, 2015 passed by the competent authority reveals that on this occasion, they were unable to obtain the requisite police verification report from the concerned police authority; however, as per the previous police report dated 25th May, 2014, the petitioner was stated to be a habitual offender and history-sheeter of Police Station Bhora Kala, Distt. Muzaffer Nagar, U.P. with more than 13 criminal cases pending against him within that jurisdiction.

The police report dated 25th May, 2014 further went on to state that the father of the petitioner had evicted him from his property and stated that he would not undertake the responsibility of the petitioner and also, opposed the release of the latter on parole.

A perusal of the status report filed on behalf of the police reiterates that the petitioner is a habitual offender and history-sheeter and a list of his previous involvements numbering 13 is annexed thereto.

Counsel for the petitioner does not refute the facts against the petitioner alluded to hereinabove but would urge that in view of the order of this Court dated 17th September, 2014 passed in Writ Petition (Crl.) No. 1719/2014, the petitioner is *ex debito justiciae* entitled to release on parole upon furnishing a Delhi address. In this behalf, my attention is invited to an affidavit filed by one Dharmendra, S/o Mange Ram, R/o 3903/B, Shanti Mohalla, Raghubar Pura No. 2, Delhi.

The submission made on behalf of the petitioner is untenable on account of the circumstance that firstly, this Court by way of the said order dated 17th September, 2014, did not direct the release of the petitioner on parole simply on his furnishing an address in Delhi where he would reside if parole was granted to him, but merely permitted him to approach this Court afresh in that eventuality and secondly, Dharmendra with whom the petitioner states that he will reside, if released on parole, has stated that he met the petitioner two or three times some 10 years ago and is familiar with him only on account of the circumstance that he is lodged in jail along with one of his friends namely Rajiv Kumar.

Consequently, in view of the foregoing discussion, the present petition seeking parole is devoid of merit and is accordingly dismissed. However, the jail visiting Advocates of the Delhi Legal Services Authority are directed to render appropriate legal assistance to the petitioner to enable the latter to institute a special leave petition before the Hon'ble Supreme Court of India.

With the above directions, the petition is disposed of.

Copy of this order be sent to Jail Superintendent as well as Secretary,
Delhi Legal Services Authority for information and compliance.

SIDDHARTH MRIDUL, J

MAY 03, 2016

sd