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

+ W.P.(CRL) 160/2016

SUNIL

..... Petitioner

Through: Mr.Yogesh Swaroop and Ms.Asha
Garg, Advocates.

versus

THE STATE

..... Respondent

Through: Mr.Rahul Mehra, St.Counsel for the
State with SI Ramesh Kumar, PS
Sultan Puri.

AND

+ W.P.(CRL) 365/2016

SANJAY

..... Petitioner

Through: Mr.M.L.Yadav and Mr.Lokesh
Chandra, Advocates.

versus

STATE

..... Respondent

Through: Mr.Rahul Mehra, St.Counsel for the
State with SI Ramesh Kumar, PS
Sultan Puri

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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05.02.2016

1. These two petitions have been filed by the petitioners, who have been convicted in case FIR No.259/2009 under Sections 304-II/307/34 IPC, PS Sultan Puri, praying for grant of parole for a period of three months.

W.P.(Crl.) Nos.160 & 365 of 2016

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W.P.(CRL) 160/2016

2. The petitioner Sunil is seeking parole on the ground of taking care of his wife who has to undergo spine surgery.

3. So far as petitioner Sunil in W.P.(Crl.) No.160/2016 is concerned, his nominal roll received from the Jail reveals that he has availed four weeks parole in the recent past i.e. with effect from 04.11.2015 to 02.12.2015. As per Parole/Furlough Guidelines-2010, a minimum period of six months ought to have elapsed from the date of termination of the previous parole/furlough.

4. In the given facts and circumstances, the prayer of the Petitioner Sunil for releasing him on parole is hereby rejected. Accordingly W.P.(Crl.) No.160/2016 filed by petitioner Sunil is dismissed.

W.P.(CRL) 365/2016

5. The petitioner Sanjay is seeking parole on the ground of filing SLP before the Supreme Court, for repairing his house and for maintaining social ties.

6. So far as petitioner Sanjay in W.P.(Crl.) No.365/2016 is concerned, it has been submitted by Mr.M.L.Yadav, Advocate that the representation made by the petitioner to the Government of NCT of Delhi praying for grant of parole has been rejected by the competent authority vide order No.F.18/504/2014/HG/166 dated 13.01.2016.

7. Learned counsel for the petitioner Sanjay further submits 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

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Court of India against a judgment delivered by the High Court convicting or upholding the conviction, as the case may be. He further submits that in the present case also, the Petitioner is seeking parole for filing SLP before the Supreme Court which is covered by ground 9.7, therefore, the present petitioner 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."

8. Nominal roll of the Petitioner Sanjay has also been placed on record, perusal of which shows that the conduct of the Petitioner, during the period of incarceration, has been 'Satisfactory'.

9. On behalf of the State, it has been submitted by learned Addl. Standing Counsel that address of the petitioner Sanjay has been verified and found to be correct. It has been further submitted that appropriate order may be passed keeping in view Parole/Furlough Guidelines-2010 issued by the Government of National Capital Territory of Delhi.

10. Considering the facts and circumstances of the case and the fact that the Petitioner Sanjay is 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 and the Petitioner Sanjay is granted parole for a period of four weeks from the date of his release to enable him to file SLP in the Hon'ble Supreme Court, on his furnishing personal bond in the sum of Rs.10,000/- with one surety 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 Petitioner shall report to the Duty

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Officer, P.S. Sultan Puri, Delhi on every Monday at 10 AM.

(ii) The Petitioner shall keep the SHO, P.S. Sultan Puri, Delhi informed about his place of residence in Delhi and his 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 Petitioner shall remain in Delhi and he shall not cross the border or try to contact the witnesses in any manner whatsoever.

(iv) The Petitioner shall submit proof of filing of the Special Leave Petition to the SHO, P.S. Sultan Puri, Delhi with the name of counsel who filed the SLP.

(v) While submitting the bail bond, he will furnish to the Jail Superintendent the address of the place where he would reside in Delhi during the period of parole as well as the contact numbers.

11. It is, however, made clear that on expiry of the parole period, the Petitioner Sanjay 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 Petitioner before the Supreme Court.

12. W.P.(Crl.) No.365/2016 stands allowed in the above terms.

13. The Petitioner be informed through the Jail Superintendent about the order passed.

Order *dasti*.


PRATIBHA RANI, J.

FEBRUARY 05, 2016

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— S/o. Maftur

— on office note (Flag 'X')

— letter received from
Subst. , Bihar Jail regarding
clarification for Parole

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+ W.P.(CRL) 365/2016

SANJAY

..... Petitioner

Through: Mr.M.L.Yadav, Advocate

versus

STATE

..... Respondent

Through: Mr.Rahul Mehra, St. Counsel for the
State with SI Ramesh Kumar PS
Sultan Puri

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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17.02.2016

1. The matter has been put up on an office note pursuant to the communication received from the Jail Superintendent which is to the following effect:-

"In this regard, it is submitted that the said convict has been convicted and serving sentence in two cases FIR No. 191/2003, u/s 376/448 IPC, PS Sultanpuri & FIR No.259/2009, u/s 304-II/307/34 IPC, PS Sultan Puri. The two cases were clearly reflected in the petition by the applicant and in the nominal roll submitted by this office, whereas the parole has been granted only in one case under reference."

2. In view of the above, it is made clear that the Petitioner shall avail the benefit of parole granted herein above in case FIR No.259/2009 under Sections 302/120-B IPC, PS Sultan Puri only if he is on bail in other cases or is otherwise eligible to be released.


PRATIBHA RANI, J.

FEBRUARY 17, 2016/ 'pg'

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