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

+ W.P.(CRL) 296/2016

TARSEM

..... Petitioner

Through: Mr.Neeraj Bhardwaj, Advocate

versus

STATE

..... Respondent

Through: Ms.Pooja Bhaskar, Advocate for
Mr.Satish Aggarwala, Advocate

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

31.05.2016

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1. By way of this writ petition filed under Article 226 of the Constitution of India read with Section 482 of Cr.P.C., Petitioner is seeking parole for a period of three months on the ground of filing SLP before Hon'ble Supreme Court and for reconnecting social ties with the family & society.

2. Learned counsel for the Petitioner submits that the Petitioner had made representation to the Respondent/State praying for grant of parole which has been rejected by the Respondent vide order No.F.18/459/2015/HG/6456 dated 31st December, 2015.

3. Learned counsel for the Petitioner 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

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.”

4. Learned counsel for the Petitioner further submits that the Petitioner undertakes to abide by any condition deemed fit by this Court while considering his prayer.

5. Ms.Pooja Bhaskar, Advocate appearing on behalf of Mr.Satish Aggarwala, learned counsel for DRI submits that address of the Petitioner as mentioned in the last para of the petition i.e. K-1/2, Gali No.51, New Govind Pura Ext., Delhi-51, PS Jagatpura has been verified and appropriate order may be passed keeping in view the Parole/Furlough Guidelines-2010 issued by the Government of National Capital Territory of Delhi.

6. As per nominal roll, the overall jail conduct of the Petitioner is mentioned as ‘Satisfactory’.

7. Considering the facts and circumstance of the case, the prayer for grant of parole is allowed to the extent that the Petitioner is granted parole for a period of four weeks from the date of his release, on his furnishing personal bond in the sum of ₹ 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 remain in Delhi and

he shall not cross the border and not try to contact the witnesses in any manner whatsoever.

(ii) 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.

8. It is, however, made clear that on expiry of the parole period, the Petitioner 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.

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.

MAY 31, 2016

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