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

+ W.P.(CRL) 779/2016

SANDEEP PARMAR @ SANDY Petitioner

Through: Mr.Mrutunjay Tayade, Advocate for
Mr.Rajender Chhabra, Advocate

versus

STATE Respondent

Through: Mr. Rajesh Mahajan, A.S.C. for the
State.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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09.03.2016

1. This is a petition filed by the Petitioner from Jail seeking parole for a period of three months on the ground of filing SLP before Hon'ble Supreme Court and for re-establishing social ties with the family and society.

2. Perusal of the record reveals that in the nominal roll, four addresses of the petitioner has been given i.e.

(i) 2nd Floor, Nav Jyoti Building, Tirkam Nagar, Surat, Gujarat.

(ii) Dedawa Ki Wass, Village Sewari, Taluka Bali, District Pali, Rajasthan.

(iii) 304-A Wing, Parshavad Adarshan Building, Devi Chand Nagar, near Jain Mandir, Bhayander (West) Thane, Mumbai, Maharashtra.

(iv) Flat No.311, Ramsati Srisadan Building near Nakoda Hospital, 60 Feet Road, Bhayander (West) Thane, Mumbai.

In the memo of parties, the petitioner has given his address as Flat No.311, Ramsati Srisadan Building near Nakoda Hospital, 60 Feet Road,

Bhyander (West) Thane, Mumbai.

3. Though status report has been filed by the State but there is no mention regarding verification of any of the above addresses of the petitioner.

4. Perusal of the record reveals that the representation made by the petitioner to the Respondent/State praying for grant of parole has been rejected by the Respondent vide order No.F.18/252/2015/HG/4137 dated 28.08.2015.

5. Learned counsel appearing on behalf of the Petitioner 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 for 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.”

6. 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.

7. Nominal roll of the Petitioner has also been placed on record, perusal of which shows that the jail conduct of the Petitioner during last one year

has been 'Satisfactory'. However, in column No.20 i.e. details of convicted cases, if any, it is mentioned that the petitioner has also been convicted in case FIR No.88/2007 under Section 364-A/120-B IPC, PS Palam Airport and sentenced for life imprisonment and CrI.A. No.1240/2011 preferred by the petitioner is pending before this Court.

8. Considering the facts and circumstances of the case and the fact that the Petitioner 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 to the extent that the Petitioner 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 furnishing local address during his stay in Delhi for the purpose of filing the SLP and on his furnishing personal bond in the sum of ₹ 10,000/- **with one surety, who is permanent resident of Delhi**, of the like amount to the satisfaction of the concerned Jail Superintendent and subject to the following conditions:-

(i) Since the petitioner is being granted parole for the twin purpose of filling SLP before the Hon'ble Supreme Court and re-establishing social ties and he has given his address in the memo of parties as Flat No.311, Ramsati Srisadan Building near Nakoda Hospital, 60 Feet Road, Bhyander (West) Thane, Mumbai, at the time of furnishing the bail bond the Petitioner shall keep the concerned Jail Superintendent as well as the SHO/Duty Officer, P.S. Hari Nagar, Delhi informed about his place of residence in Delhi as well as his place of residence in his native town and his contact numbers i.e. mobile, landline or both.

(ii) **The concerned Jail Superintendent is directed to get the address of the petitioner as well the surety verified before releasing the**

petitioner on parole and it would be open to the Jail Superintendent to seek cancellation of parole in case it is found to be incorrect.

(iii) The petitioner shall further inform the Jail Superintendent as well as SHO/Duty Officer, P.S. Tilak Nagar, Delhi about the period for which he shall be staying in his native town as well as the period for which he shall be staying in Delhi for purpose of filing the SLP.

(iv) The Petitioner shall report on every Monday at 11 AM to the Duty Officer of the concerned Police Station/Police Post under the jurisdiction of which, the Petitioner shall stay during the period of parole in his native town.

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

9. It is directed 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.

10. It is made clear that the Petitioner shall avail the benefit of parole granted herein above in case FIR No.37/2010 under Section 419/420/467/468/471/174-A IPC, PS Hari Nagar only if he is on bail in other cases or is otherwise eligible to be released.

11. Writ Petition stands allowed in the above terms.

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

Order *dasti*.

PRATIBHA RANI, J.

MARCH 09, 2016/ 'st'

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