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

+ W.P.(CRL) 775/2016

VIKAS

..... Petitioner

Through: Mr Dinesh Malik and Mr Gurpreet Singh,
Advocates.

versus

STATE

..... Respondent

Through: Mr Ashish Aggarwal, Addl. Standing
Counsel (Crl.).

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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16.03.2016

The present is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 seeking release of the petitioner on parole in order to enable him to file an SLP before the Supreme Court of India.

The petitioner is aggrieved by the order dated 09.02.2016 whereby his application for grant of parole for filing the SLP was rejected by the competent authority for the following reasons:-

“**rejected** in view adverse police report which states that the grounds given in the parole application are not genuine. There may be an adverse affect on law and order situation & victim party in the area, if convict is released on parole. There is possibility of convict to jump the parole if granted.

Further, the convict if desires, can file SLP from jail itself, where free legal Aid is available to Prisoners. ”

The reasons stated by the competent authority whilst rejecting the petitioner's representation for parole are without any cogent material and unsustainable.

A perusal of the nominal roll qua the petitioner reveals that he has undergone three years and seven months incarceration out of the total sentence of seven years. The overall jail conduct of the petitioner has been satisfactory

since the inception of the incarceration.

It is trite to state that it is the constitutional right of every convict to prosecute proceedings before a higher court and there are number of judicial pronouncements in which it has been held that every convict is entitled to parole in order to prosecute proceedings before a higher court.

In view of the foregoing, I see no impediment in allowing the present petition. Consequently, since the petitioner wants to assail the judgment dated 02.09.2015, whereby his appeal being CrI.A.No.722/2013 was dismissed, by preferring an SLP against the said judgment and order, the petitioner is enlarged on parole for a period of four weeks from the date of his release on his furnishing a personal bond in the sum of Rs.5,000/- with one surety of the like amount to the satisfaction of the Jail Superintendent subject to the following conditions:-

- (1) The petitioner shall report to the SHO, Police Station- Rani Bagh once a week on every Friday during the period of parole.
- (2) He shall furnish his mobile telephone number, which he undertakes to keep operational, to the concerned SHO.
- (3) He shall not leave the National Capital Territory of Delhi without prior permission of the court.
- (4) Lastly, the petitioner shall surrender before the jail authorities at the expiry of the period of parole.

With the above directions the writ petition is allowed and disposed of accordingly.

A copy of this order be sent to the Jail Superintendent to be communicated to the petitioner.

SIDDHARTH MRIDUL, J

MARCH 16, 2016/mk