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

+ W.P.(CRL) 774/2016

SANJAY KUMAR CHAUBEY

..... Petitioner

Through: Mr.Jatin Rajput & Ms.Anupam
Dubey, Advocates

versus

STATE

..... Respondent

Through: Mr.Rahul Mehra, St. Counsel for the
State with SI Surender Singh, PS
Bawana

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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15.03.2016

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 one month on the ground of reconnecting social ties with the family & society.
2. Fresh status report has been filed by the State wherein it is mentioned that address given by the petitioner could not be verified.
3. On the last date of hearing it was submitted by learned Standing counsel for the State that State has no objection if the address remains the same based upon which petitioner was granted parole earlier i.e. from 24th March, 2015 to 25th April, 2015.
4. Today learned counsel for the petitioner has placed on record copy of order dated 4.3.2015 passed in W.P. (Crl.) 336/2015 whereby the petitioner was granted parole after verification of the same address which reads as under:

“The present writ petition under Article 226 of the Constitution of India seeks release of the petitioner on parole in order to enable him

to file a Special Leave Petition.

Counsel for the petitioner states that the petitioner has already undergone more than 5 ? years in custody out of the total sentence of 8 years. The petitioner is aggrieved by the order dated 20th January, 2015 whereby the application for grant of parole on the ground of filing the SLP was rejected by the Competent Authority only on the ground that the petitioner could file his SLP from the Jail itself where free legal aid is available to the prisoners. The above reason expressed by the Competent Authority to reject the application for parole filed on behalf of the petitioner is to say the least in the teeth of the numerous decisions of this court including the decision in Somesh Gupta v. State of the NCT of Delhi 2010 (1) JCC 630.

It is trite to say that there are number of judicial pronouncements in which it has been held that the petitioner is entitled to parole in order to prosecute the proceedings before a higher court.

In the circumstances, since the petitioner wants to assail the judgment dated 17th September, 2014 whereby the Criminal Appeal No. 1533/2013 was dismissed by preferring an SLP against the said judgment and order, the petitioner is hereby enlarged on parole for a period of one month from the date of his release subject to his furnishing a personal bond in the sum of `50,000/- (Rupees Fifty Thousand) with one surety of the like amount to the satisfaction of the Trial Court. During the period the petitioner remains out on parole, he shall report to the SHO, Police Station-Hathori, District Muzzafar Nagar, Bihar once in every week i.e. on every Wednesday of the week.

The petitioner is directed to surrender before the Jail Authorities immediately on the expiry of the period of parole.

A copy of this order be sent to the Jail Superintendent, Tihar for compliance and necessary action.

The writ petition is disposed of accordingly.

Dasti.”

6. As per nominal roll, the jail conduct of the Petitioner in last one year is mentioned as ‘Satisfactory’.
7. Considering the facts and circumstances 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) Since the petitioner is being granted parole for the purpose of re-establishing social ties and he is permanent resident of Village Jhit Kahian, Post Sahita Wali, P.S. Hathori, Distt. Muzzafar Pur, Bihar, he shall keep the SHO/Duty Officer, P.S. Special Cell, Delhi informed about his place of residence during the period of parole and his contact numbers i.e. mobile, landline or both.
- (ii) 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.
- (iii) While submitting the bail bond, he will furnish to the Jail Superintendent the address and the contact numbers of the place where he would reside during the period of parole.
- (iv) The petitioner shall not try to contact or influence the complainant/witnesses.

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.

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.

MARCH 15, 2016/ 'hkaur'