

\$~50

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

+ W.P.(CRL) 924/2016

BHAIRO SINGH

..... Petitioner

Through: None.

versus

STATE

..... Respondent

Through: Mr. Rajesh Mahajan, A.S.C. for the
State with Insp. Neera Singh, PS
Krishna Nagar.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

%

22.03.2016

1. This is a petition under Article 226 of the Constitution read with Section 482 Cr.P.C. filed by the Petitioner from Jail seeking parole for a period of three months to enable him to file SLP before the Hon'ble Supreme Court and to maintain social ties.
2. Notice. Learned ASC for the State accepts notice.
3. Status report has been filed by the State. Learned ASC for the State, on instructions, submits that address of the petitioner has been verified.
4. None has appeared on behalf of the petitioner.
5. Perusal of the record reveals that the representation made by the petitioner to the Respondent/State praying for grant of parole has been rejected vide order No.F.18/549/2014/HG/927 dated 22.02.2016.

6. The petitioner is seeking parole on the ground of filing SLP before the Supreme Court as well as for maintaining social ties.

7. As per 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. Clause 9.7 of the Parole/Furlough Guidelines issued by the Govt. of NCT of Delhi 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 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 appropriate order may be passed keeping in view the 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 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 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) 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 is permanent resident of Village & P.O. Ibrahimabad, PS Kothi, Distt. Barabanki, U.P., the Petitioner shall keep the SHO/Duty Officer, P.S. Krishna 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. He shall further inform the SHO/Duty Officer, P.S. Geeta Colony, Delhi as to the period for which he shall be staying in his native town.

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

(iv) 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 in Delhi and in his native town i.e Village & P.O. Ibrahimabad, PS Kothi, Distt. Barabanki, U.P, during the period of parole.

11 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.

12. Writ Petition stands allowed in the above terms.

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

Order *dasti*.

PRATIBHA RANI, J.

MARCH 22, 2016

'st'