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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 13.05.2016

+ W.P. (CRL.) 963/2016

ANIS

..... Petitioner

Through Mr. Ajay Verma, Advocate

versus

STATE

..... Respondent

Through Mr. Sanjay Lao, ASC (Crl.) with
Mr. Siddharth Sandhu, Advocate
SI Amit Verma, PS Gokalpuri

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. The present is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 praying for a direction to the official respondent to release the petitioner on parole for three months in order to enable him "to file a Special Leave Petition (SLP) before the Hon'ble Supreme Court of India; to arrange funds for the same; and to maintain social ties".

2. The petitioner is aggrieved by the order dated 16th February, 2016 whereby his representation for parole on the above grounds was rejected by the competent authority for the following reasons:-

“**rejected** in view of adverse police report which states that the convict can commit similar offence. Possibility of jumping the parole cannot be ruled out. Police verification report from his native place i.e. PS Khala Park, Distt. Muzaffar Nagar, UP has not been furnished by Prison Department.

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

3. The reasons ascribed by the competent authority whilst rejecting the petitioner’s representation for parole in the order impugned herein, are without any cogent material and are unsustainable.

4. A perusal of the nominal roll *qua* the petitioner reveals that the petitioner has already undergone incarceration for over three years and one month out of the total sentence of life imprisonment awarded to him. It further reveals that the petitioner was on bail for a period of 16 years intermittently during the trial as well as the hearing of the appeal and he is not stated to have misused the liberty granted to him and his conduct in the jail has been satisfactory.

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

6. In view of the foregoing, I see no impediment in allowing the present writ petition.

7. In the circumstances, since the petitioner wants to assail the judgment and order dated 23rd May, 2014, whereby his appeal being Crl. Appeal No. 320/1998 has been rejected by this Court, by preferring an SLP against the said judgment and order, the petitioner is directed to be released on parole for a period of four weeks from the date of his release subject to his furnishing a personal bond in the sum of Rs.5,000/- with one surety of the like amount to the satisfaction of the Superintendent, Central Jail, Tihar subject to the following conditions:-

- (i) That during the period the petitioner remains out on parole, he shall report to the SHO, Police Station- Gokal Puri, Delhi, once a week on every Tuesday.
- (ii) The petitioner shall provide the Superintendent, Central Jail, Tihar with his mobile telephone number which he undertakes to keep operational.
- (iii) The petitioner shall not leave the National Capital Territory of Delhi during the period of parole, without

the prior permission of this Court.

- (iv) The petitioner is directed to surrender before the jail authorities at the expiry of the period of parole.

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

9. A copy of this order be sent to the Superintendent, Central Jail, Tihar for necessary information, compliance and to be communicated to the petitioner.

MAY 13, 2016
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SIDDHARTH MRIDUL, J