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

+ W.P.(CRL) 1049/2016

BUDHA

..... Petitioner

Through: Mr.Nitish Chaudhary, Advocate for
Mr.Chetan Lokur, Advocate.

versus

STATE

..... Respondent

Through: Ms.Nandita Rao, A.S.C. for the State
with Insp.Surendra Singh, ATO
Kotwali.

AND

+ W.P.(CRL) 1192/2016

SUNDER @ RAJU

..... Petitioner

Through: Mr.H.Rehman, Advocate.

versus

STATE

..... Respondent

Through: Mr.Vishesh Wadhwa, Advocate for
Ms.Kamna Vohra, A.S.C. for the
State with Insp.Surendra Singh, ATO
Kotwali.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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13.05.2016

1. These two petitions have been filed by the petitioners, who are co-

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convicts in case FIR No.39/2009, PS Kotwali, praying for grant of parole to enable them to file SLP before the Hon'ble Supreme Court and to maintain social ties.

2. On behalf of petitioners, it has been submitted that the representations made by the petitioners to the Government of NCT of Delhi praying for grant of parole to enable them to file SLP before the Supreme Court have been rejected by the competent authority and the copy of the rejection orders have been placed on record.

3. Learned counsel for the Petitioners have further submitted 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 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. The petitioners are seeking parole for filing SLP before the Supreme Court which is covered by ground 9.7, therefore, the petitioners 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.”

4. On behalf of the State, it has been submitted that address of the petitioners have been verified to be correct. It has been further submitted that since these two petitioners are co-convict in case FIR No.39/2009, PS Kotwali and as per Clause 13 of Parole/Furlough Guidelines-2010 issued by the Government of National Capital Territory of Delhi, if there are more

than one convict in a case who are lodged in the same prison, the co-convicts would not be released simultaneously, appropriate orders may be passed keeping in view the Parole/Furlough Guidelines-2010 issued by the Government of National Capital Territory of Delhi.

5. Considering the facts and circumstances of the case and the fact that the Petitioners are 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 Petitioners are granted parole for a period of four weeks from the date of their release to enable them to file SLP in the Hon'ble Supreme Court, on their each furnishing personal bond in the sum of ₹ 10,000/- with one surety each of the like amount to the satisfaction of the concerned Jail Superintendent and subject to the following conditions:-

(i) Since the petitioners are being granted parole for the twin purpose of filling SLP before the Hon'ble Supreme Court and re-establishing social ties and they are residents of Uttar Pradesh, the Petitioners shall keep the SHO/Duty Officer, P.S. Kotwali, Delhi informed about their place of residence in Delhi for purpose of filing SLP as well as their place of residence in their native town and their contact numbers i.e. mobile, landline or both. He shall further inform the SHO/Duty Officer, P.S. Kotwali, Delhi as to the period for which he shall be staying in his native town.

(ii) The Petitioners 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 Petitioners shall stay during the period of parole in their native town.

(iii) The Petitioners shall submit proof of filing of the Special Leave

Petition to the SHO, P.S. Kotwali, Delhi with the name of counsel who filed the SLP.

(iv) While submitting the bail bond, they 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, during the period of parole.

6. **It is made clear that grant of parole to the petitioners shall be subject to furnishing local sureties and after verification of the address of the sureties.**

7. **The Jail Superintendent concerned is directed to ensure that the present petitioners, who are co-convicts in case FIR No. 39/2009 PS Kotwali, are not released on parole during the same period of time.**

8. It is, however, made clear that on expiry of the parole period, the Petitioners 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 Petitioners before the Supreme Court.

9. Writ Petition stands allowed in the above terms.

10. The Petitioners be informed through the Jail Superintendent about the order passed.

Order *dasti*.

PRATIBHA RANI, J.

MAY 13, 2016

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