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

+ W.P.(CRL) 1188/2016

NASIR

..... Petitioner

Through: Mr K.Singhal and Ms Vani Singhal,
Advocates.

versus

STATE

..... Respondent

Through: Mr Avi Singh, Addl. Standing Counsel
(Crl.).
ASI Krishan Pal, PS- Seelampur.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

19.05.2016

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The present petition under Article 226 of the Constitution of India seeks a writ of mandamus directing the competent authority to release the petitioner on parole in order to enable him “to file SLP before The Hon’ble Supreme Court of India; to re-establish social ties with family members and society”.

The petitioner is aggrieved by the order dated 15.03.2016 whereby his application for grant of parole on the above stated grounds was rejected by the competent authority for the following reasons:-

“**rejected** in the absence of requisite police verification report regarding verification of address and grounds taken by convict from concerned police authorities i.e. DCP, North East District, Seelampur, Delhi, SHO, PS New Seelampur, Delhi, SSP, Ghaziabad District, Uttar Pradesh, and SHO/PS Sahibabad, Ghaziabad District, Uttar Pradesh, Which could not be obtained despite several requests.

Further, the convict has last availed 02 weeks I/Bail w.e.f. 30.10.2001 to 13.11.2001 by the order of DHC and regular Bail w.e.f. 11.03.03 to 09.12.15. The convict, if desires, can file SLP from Jail itself where free legal aid is available to prisoners.”

A perusal of the reasons ascribed by the competent authority in the order impugned in the present petition reveal that the same are not sustainable for the following reasons:

In the first place, the petitioner cannot be visited with the apathy of the administration in not furnishing the requisite police verification report. Secondly, it is the constitutional right of every convict to prosecute proceedings before a higher court of law assailing the judgment and order qua his conviction and sentence awarded by the trial court.

In the present case it is observed that the petitioner was enlarged on interim as well as regular bail by courts of competent jurisdiction and is not stated to have misused the liberty granted to him on those occasions.

The nominal roll qua the petitioner clearly reveals that his overall jail conduct has been satisfactory since the inception of his incarceration. There is another case pending against the petitioner. However, he has been enlarged on regular bail in that proceeding.

The petitioner wants to assail the judgment and order dated 18.11.2015, whereby Criminal Appeal No.191/2000 instituted by him assailing his conviction and sentence, has been dismissed by this court, by instituting a Special Leave Petition before the Hon'ble Supreme Court of India.

In view of the foregoing, I see no impediment in allowing the present petition. Consequently, 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.10,000/- 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 SHO, Police Station- Seelampur once a week on every Wednesday 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 Region without prior

permission of this 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 disposed of.

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

MAY 19, 2016

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SIDDHARTH MRIDUL, J