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

\+ W.P.(CRL) 1180/2016

JAINUL UMAR ..... Petitioner

Through: Mr.Nikhil Pillai with Mohammad Faraz, Advs.

versus

STATE ..... Respondent

Through: Ms.Richa Kapoor, A.S.C. for the State with Mr.Ashish Negi, Adv.
SI P.S. Rawat, PS Gandhi Nagar.

CORAM:
HON'BLE MS. JUSTICE PRATIBHA RANI

O R D E R

% 17.05.2016

1. This is a petition under Article 226 & 227 of the Constitution read with Section 482 Cr.P.C. moved on behalf of the Petitioner seeking parole for a period of three months to enable him to file SLP before the Hon'ble Supreme Court.

2. Learned counsel for the Petitioner submits that the Petitioner had made representation to the Respondent/State praying for grant of parole which has been rejected by the Respondent vide order No.F.18/01/2016/HG/1065 dated 29.02.2016.

3. As per the status report, the petitioner was convicted in another case FIR no.149/2011 under sections 392/34 IPC PS Gandhi Nagar, However, it not mentioned in the Status report whether the petitioner is bail on this case or not.

4. Perusal of the nominal roll does not reveal the involvement of the petitioner in any other FIR or in any other case. Jail Superintendent shall

ensure that if petitioner has undergone sentence in case, FIR no.149/2011 under sections 392/34 IPC PS Gandhi Nagar, or he must be eligible to be released on bail in that case as well.

5. Learned counsel for the Petitioner further submits 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. He further submits that in the present case also, the Petitioner is seeking parole for filing SLP before the Supreme Court which is covered by ground 9.7, therefore, the present Petitioner 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."*

6. Learned counsel for the Petitioner further submits that the Petitioner undertakes to abide by any condition deemed fit by this Court while considering his prayer.

7. On behalf of the State, it has been submitted by learned Addl. Standing Counsel that appropriate order may be passed keeping in view Parole/Furlough Guidelines-2010 issued by the Government of National Capital Territory of Delhi.

8. 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 purpose of filling SLP before the Hon'ble Supreme Court and he is permanent resident of Village Mohalla Kaji Kasba Sahaswan Distt. Badaun, UP, Delhi the Petitioner shall keep the SHO/Duty Officer, P.S. Gandhi 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. Gandhi Nagar, 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. Gandhi 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 Mohalla Kaji Kasba Sahaswan Distt. Badaun, UP, during the period of parole.

9. It is, however, made clear that on expiry of the parole period of four weeks, 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.

10. Writ Petition stands allowed in the above terms.

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

12. Order *dasti*.

PRATIBHA RANI, J.

MAY 17, 2016
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