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

+ W.P.(CRL) 1358/2016

MD. SABIR

..... Petitioner

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

versus

STATE

..... Respondent

Through: Mr.Avininder Singh, A.S.C. for the
State with Mr.Ananya Mohan,
Advocate with SI Deepak Kumar
NR/Crime

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **12.05.2016**

1. By way of this writ petition filed under Article 226 of the Constitution of India read with Section 482 of Cr.P.C., Petitioner is seeking parole for a period of two months on the ground of filing SLP before Hon'ble Supreme Court and for reconnecting social ties with the family & society.

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.18/76/2016/HG/1762 dated 18th March, 2016.

3. 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.”

4. 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.

5. Learned ASC for the State submits that address of the Petitioner has been verified and appropriate order may be passed keeping in view the Parole/Furlough Guidelines-2010 issued by the Government of National Capital Territory of Delhi.

6. As per nominal roll, the overall jail conduct of the Petitioner is mentioned as ‘Satisfactory’.

7. Considering the facts and circumstances of the case, 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, on his furnishing personal bond in the sum of ₹ 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 Mohalla Mufti Sarai Near Lal Masjid Chandpur PS & Tehsil Chandpur, District Bijnor, U.P.-246725, the Petitioner shall keep the SHO/Duty Officer, P.S. Rohini, 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.Crime Branch, 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. Crime Branch, 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. Mohalla Mufti Sarai Near Lal Masjid Chandpur PS & Tehsil Chandpur, District Bijnor, U.P.-246725 during the period of parole.

8. 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.

9. Writ Petition stands allowed in the above terms.

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

Order *dasti*.

MAY 12, 2016
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PRATIBHA RANI, J.