

\$~5

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

+ **W.P.(CRL) 1410/2016**

HARMEET SINGH @ MAX

..... Petitioner

Through : Mr. Anurag Jain, Adv.

Versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through : Mr. Avi Singh, ASC (Crl.) with Mr.

Ananya Mohan, Adv. with SI Uma Datt
PS Mangol Puri.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

%

01.06.2016

The present petition under Article 226 of the Constitution of India seeks a direction in the nature of mandamus to the official respondent to release the petitioner on parole for a period of one month from the date of his release on the ground that his mother requires hospitalization and his presence is essential, in order to arrange finance for the same. In the present case, in paragraph 5 of the petition it has been averred as follows:-

“Petitioner had filed W.P. (Crl.) No.2762/15 which was allowed vide order dated 10.03.2016 granting 4 weeks parole to the petitioner.”

In this behalf, it would be pertinent to point out that neither the details of the ground, on which parole had been granted to the leave petitioner by way of order dated 10.03.2016, have been stated nor a copy of the said order has been annexed to the present writ petition. A copy of the said order has been produced on behalf of the official respondent. A perusal of the same reveals that this Court by way of order dated 10.03.2016 had enlarged the petitioner on parole in order to enable the latter to institute a Special Leave Petition before

the Hon'ble Supreme Court of India to challenge the decision of this Court whereby his appeal, assailing his conviction under Section 20(b)(ii)(c) of the NDPS Act, was rejected and the imprisonment, awarded to him by the Trial Court of ten years RI with fine, was upheld. On a specific query from the Court, learned counsel appearing on behalf of the petitioner states that he is unaware as to whether the Special Leave Petition has since been filed on behalf of the latter.

In the present petition, it would be relevant to observe that as per the status report filed on behalf of the official respondent "petitioner is notorious criminal and is involved in as many as 7 criminal cases. It is pertinent to mention here that criminal propensity of the petitioner is evident from the fact even after his conviction in the present case, he was found involved in case FIR No.144/2013 under Section 199/200/305/419/468/471/474 IPC registered at PS Subzi Mandi, Delhi and in the said case also he stands convicted. Moreover, the co-accused Ashwani, who was granted bail by this Hon'ble Court, has jumped the same and has not surrendered before the jail authorities after the expiry of his bail period."

Perusal of the status report further reveals that the mother of the petitioner is suffering from piles and has been advised surgery, however no date for the proposed surgery has been fixed as yet. Further, although the petitioner had availed all the reliefs granted to him by this Court by way of order dated 10.03.2016 and proceeded on parole, which was granted to him for the purpose of institution of a Special Leave Petition, as aforestated, no material has been produced in this behalf to demonstrate that any such Special Leave Petition has been instituted. On the other hand, four days before the petitioner was required to surrender, at the expiry of the period of parole granted by way of order dated 10.03.2016, he filed an application before the competent authority seeking extension of parole, which has been rejected by the competent authority by way of order dated 18.05.2016 on the ground that same had been rendered

infructuous as date of surrender had already passed.

In view of foregoing circumstances, I am of the view that present petition, seeking grant of parole, is devoid of merits and is accordingly dismissed.

SIDDHARTH MRIDUL, J

JUNE 01, 2016/dk