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

+ **W.P.(CRL) 2094/2016**

SALIM HUSSAIN

..... Petitioner

Through: Mr. Azhar Qayum, Advocate.

versus

STATE

..... Respondent

Through: Mr. R.S. Kundu, ASC and
Mr. Vishesh Wadhwa & Mr. Kranti
Vikram Singh, Advocates along with
Inspector Daleep Kumar, PS-Greater
Kailash, for the State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

22.07.2016

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Issue notice. Learned counsel for the State accepts notice. He has tendered in Court a status report, which is taken on record.

The petitioner seeks quashing of the order dated 24.05.2016, whereby his application for seeking parole has been rejected by the Deputy Secretary (Home), Government of National Capital Territory of Delhi on the ground that the police has given adverse report and that the ground taken does not seem to be genuine. It has also been observed that there are two cases – one under Section 420/ 406 IPC and under Section 138 of the Negotiable

Instruments Act vide FIR No. 913/2009 registered at Police Station – Baradari, Bareilly, wherein the petitioner has been released on bail; and the other is the complaint case under Section 138 of the Negotiable Instruments Act being CC No.1645 C/09, wherein the petitioner was convicted and sentenced to 6 months Rigorous Imprisonment, which he has already undergone.

The petitioner stands convicted under Section 302/ 203 IPC. He has already undergone 8 years and 2 months incarceration. He has earlier been released on parole for a period of 20 days between 15.08.2015 and 30.09.2015. His conduct in jail and while he was on parole was found to be satisfactory. The ground taken by the petitioner seeking parole is that he wishes to re-connect to the society and join to his ailing mother. As per the status report, the permanent residential address of the petitioner has been verified. However, the wife and children of the convict are not residing at the said address. It has been reported that the petitioner has six brothers and three sisters apart from old parents. The mother of the petitioner is residing at the given address with her husband and she is not capable to walk due to old age. The other brothers of the petitioner are living separately from his parents and only one daughter is living with the parents at Kayamganj, U.P. Learned counsel for the petitioner submits that the petitioner is seeking parole to attend to his ailing mother.

In view of the aforesaid position, the impugned order does not appear to be justified. There is no specific basis on which the same appears to have been passed and the rejection appears to be unjustified. Accordingly, the impugned order is quashed. Considering the fact that the petitioner has earlier been released on parole and he surrendered punctually, the petition is

allowed. The petitioner is directed to be released on parole for a period of four weeks. The same shall be subjected to furnishing a personal bond with one surety in the sum of Rs.20,000/- to the satisfaction of the Jail Superintendent. The petitioner shall, while on parole, not indulge in criminal activity of the kind of which he has been convicted. He shall provide his mobile phone number at the time of his release which shall be kept in working condition at all times and shall not be changed without prior intimation to the Jail Superintendent. He shall report on every Monday at 11:00 a.m. at Police Station – Greater Kailash to mark his attendance.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

JULY 22, 2016

B.S. Rohella