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

+ **W.P.(CRL) 2104/2016**

MEHMOOD @ AYUB @ TOPIWALA

..... Petitioner

Through: Mr. Habibur Rahman and Ms. Prabha
Mishra, Adv.

versus

STATE

..... Respondent

Through: Mr. Rajesh Mahajan, ASC with SI
GD Joshi, Spl Cell

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

09.11.2016

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The status report has been filed. This petition has been preferred by the petitioner to seek parole for a period of 30 days for arranging the basic necessities of admission of his daughter for higher education as well as for partition of his ancestral house between him and his brother in the State of J&K.

The petitioner was arrested in case FIR No.658/1994 under Section 364A/384/342/341/34/120B IPC; Section 121A/122/124A IPC; Section 14 of Foreigners Act and Section 3/4 of TADA Act. He was convicted for life imprisonment. He has undergone 19 years 5 months and 25 days incarceration as on 27.06.2016. He was earlier granted parole on three

occasions. His jail conduct for the last one year is found to be satisfactory.

The writ petition is, however, strongly opposed by the State on the ground that the petitioner stands convicted, inter alia, for the offences for sedition and also under the TADA Act. He submits that the present law and order situation in the State of J&K may also be kept in mind. He submits that under guideline 12.2 of the parole guidelines, the petitioner would not be entitled to parole.

Having heard learned counsel for the petitioner, perused the record and considered the submissions advanced by the State, in the facts and circumstances of the case and the present prevalent situation in the State of J&K, I am not inclined to grant parole to the petitioner at this stage.

Dismissed.

VIPIN SANGHI, J

NOVEMBER 09, 2016

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