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

+ W.P.(CRL) 1606/2015

ARJUN SHARMA

..... Petitioner

Through: Mr.Saurabh Kansal and Ms.Pallavi
S.Kansal, Advocates.

versus

STATE

..... Respondent

Through: Mr.Siddharth Sindhu, Advocate for
Mr.Sanjay Lao, A.S.C. for the State

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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15.02.2016

1. The present writ petition has been filed by the Petitioner from Jail praying for grant of parole for the purpose of filing SLP and re-establishing social ties.
2. Status report has been filed by the State verifying the address of Mr.Suraj - brother of the Petitioner i.e. H.No.15/16, Niranjana Park, Nangli Dairy, Nangli Sakrawati, PS Nazafgarh, Delhi, where he would reside during the period of parole.
3. 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.18/171/2015/HG/2986(A) dated 3.7.2015.
4. Learned counsel for the Petitioner further submits that in terms of

W.P.(CRL) 1606/2015

Page 1 of 4

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.”

5. 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.

6. Nominal roll of the Petitioner has also been placed on record, perusal of which shows that the conduct of the Petitioner, during the period of incarceration, has been ‘Satisfactory’.

7. On behalf of the State, it has been submitted that the prayer of the petitioner seeking parole has been rejected by the Government on the ground that the petitioner is a permanent resident of Nepal and in the circumstances, there is a possibility of jumping the parole by the petitioner. It has been submitted that in the given circumstances, the prayer of the petitioner may be considered subject to certain conditions deemed fit by this Court.

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 two weeks from the date of his release to enable him to file SLP in the Hon'ble Supreme Court, on furnishing local address during his stay in Delhi and on his furnishing personal bond in the sum of ₹ 10,000/- **with one surety, who is permanent resident of Delhi**, of the like amount to the satisfaction of the concerned Jail Superintendent and subject to the following conditions:-

- (i) During the period of parole, the Petitioner shall report to the Duty Officer, P.S. Karol Bagh, Delhi on every Monday at 10 AM.
- (ii) The Petitioner shall keep the SHO, P.S. Karol Bagh, Delhi as well as concerned Jail Superintendent informed about his place of residence in Delhi and his contact numbers i.e. mobile, landline or both. It would be open to the concerned SHO to verify the address and the contact numbers and to seek cancellation of parole in case it is found to be incorrect.
- (iii) **The concerned Jail Superintendent is directed to get the address of the surety verified before releasing the petitioner on bail and it would be open to the Jail Superintendent to seek cancellation of parole in case it is found to be incorrect.**
- (iv) During the period of parole, the Petitioner shall remain in Delhi and he shall not cross Delhi border or try to contact the witnesses in any manner whatsoever.
- (iv) The Petitioner shall submit proof of filing of the Special Leave Petition to the SHO, P.S. Karol Bagh, Delhi with the name of counsel who filed the SLP.

9. 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.

10. Writ Petition stands allowed in the above terms.

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

Order *dasti*.

PRATIBHA RANI, J.

FEBRUARY 15, 2016

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