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

+ W.P.(CRL) 1714/2015

TASLEEM @ HATTU

..... Petitioner

Through : Mr.M.L.Yadav, Advocate.

versus

STATE

..... Respondent

Through : Mr.Rajesh Mahajan, ASC.
SI Surender, PS Bawana.

CORAM:
HON'BLE MR. JUSTICE S.P.GARG

ORDER
% **25.01.2016**

(1) Present Writ Petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. has been filed by the petitioner to seek parole for two months to file SLP before the Hon'ble Supreme Court and to arrange finances from his parents, relatives and friends. Status report is on record.

(2) I have heard the learned counsel for the parties and have examined the file. Perusal of the file reveals that the petitioner was convicted under Section 302/376(2)(f)/506/201 IPC for committing rape and murder of his sister, aged around 12 years. The complaint

was lodged by his father. As per status report, the father does not want to have any connection with the petitioner.

(3) The appeal preferred by the petitioner against conviction was dismissed by this Court vide Crl.A.No.393/2013 on 26.02.2015. The sentence for imprisonment for life has been upheld. The petitioner has undergone seven years, three months and fifteen days incarceration besides remission for one month and five days as on 15.12.2015. Nothing has come on record to show if any efforts were made by the petitioner to file SLP though Criminal Appeal was dismissed way back on 26.02.2015. This Court was not averse to grant parole to the petitioner to file SLP but was concerned with his release on furnishing sound surety to avoid abscondence. Vide order dated 14.08.2015, the petitioner was asked as to who would stand surety for him and to disclose the name of the said surety. On 5.11.2015, the petitioner's counsel informed that the petitioner's wife Sheela would stand surety in case the petitioner was granted parole. The State was asked to file additional status report indicating the antecedents of the petitioner's wife, her permanent address and soundness to stand surety. Status reports filed on record reveal that after the involvement of the petitioner in this case, Sheela had married with petitioner's brother Imran. She did not have any moveable or immovable property and lived in a rented accommodation. Again, status report was received informing that Sheela had married one Sunny who has expired a month before. At present she is residing with her sister in a rented accommodation and does not have any

movable or immovable property. Apparently, Sheela kept no concern with the petitioner after her marriage earlier with Imran and thereafter with one Sunny. She thus cannot be considered a sound surety to release the petitioner on parole in a very grievous case.

(4) Considering these facts and circumstances, I find no sufficient ground for grant of parole. It is, however, made clear that as and when the petitioner is able to find out a sound surety, he will be at liberty to seek parole on merits. Also the Superintendent Jail will make efforts to file SLP (if any) through legal aid counsel, if so desired by the petitioner.

(5) The Writ Petition stands disposed of accordingly. Copy of the order be sent to Superintendent Jail for information and compliance.

S.P.GARG, J.

JANUARY 25, 2016

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