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

+ W.P.(CRL) 2544/2015

BHANU SHAH

..... Petitioner

Through: Mr.Habibur Rahman, Advocate.

versus

STATE

..... Respondent

Through: Mr.Ashish Aggarwal, A.S.C. for the
State with SI Khem Chand, PS
Welcome.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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17.02.2016

1. By way of this writ petition filed under Article 226 of the Constitution of India read with Section 482 of Cr.P.C., Petitioner is seeking parole on the ground of re-establishing social ties.
2. 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.18/172/2015/HG/3022 dated 06.07.2015.
3. Learned counsel for the Petitioner submits that as per Parole/Furlough Guidelines 2010, one of the objectives of framing the said guidelines was 'to protect social ties' and prays for grant of parole to the Petitioner.
4. Learned ASC for the State has submitted that in this case the petitioner is permanent resident of Nepal. He has drawn the attention of this

Court to the order dated 06.07.2015 passed by the Government rejecting the prayer of the petition for grant of parole on the ground that the petitioner is permanent resident of Nepal and as per clause 12.4 of Parole/Furlough Guidelines – 2010 issued by the Government, the convict is not eligible for parole if he/she is not a citizen of India.

5. Learned ASC for the State, on instructions, submits that the local address given by the petitioner in para 2 of the petition i.e. C/o Kalpana D/o Buddha Bahadur & Gopal S/o Dil Bahadur, Jhuggi No.2, near Block-G, Sarojini Nagar, NDMC, South West, Delhi-110023 where he would residing during the period of parole, has also been verified and during inquiry, the said Kalpana informed that she does not know the petitioner. Learned ASC for the State further submits that in the circumstances, there is possibility of jumping the parole by the petitioner and while considering the prayer of the petitioner seeking parole, he may be subjected to certain conditions as deemed fit by this Court.

6. As per nominal roll, the overall jail conduct of the Petitioner as well As his jail conduct in last one year is mentioned as ‘Satisfactory’.

7. Considering the facts and circumstance of the case, the prayer for grant of parole is allowed to the extent that the Petitioner is granted parole for a period of four weeks from the date of his release, on his furnishing local address 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) **The concerned Jail Superintendent is directed to the get the address of the petitioner as well as 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.

(ii) The petitioner shall inform the concerned Jail Superintendent as well as the SHO/Duty Officer, P.S. Welcome, Delhi about his place of residence in Delhi as well as his contact numbers i.e. mobile, landline or both.

(iii) During the period of parole, the Petitioner shall report to the Duty Officer, P.S. Welcome, Delhi on every Monday at 10 AM.

(iv) During the period of parole, the Petitioner shall not cross the border/limits of NCT of Delhi.

(v) During the period of parole, the petitioner shall not try to contact and visit the residence of victim/witnesses in any manner for any reason whatsoever.

8. 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.

9. Writ Petition stands allowed in the above terms.

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

Order *dasti*.

PRATIBHA RANI, J.

FEBRUARY 17, 2016

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