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

+ W.P.(CRL) 2537/2015

ASHOK KUMAR Petitioner

Through: Biswajit Kumar Patra, Advocate.

versus

STATE Respondent

Through: Mr.Avi Singh, ASC for the State with
Ms.Sumit Anand, Advocate.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **13.01.2016**

1. This is a writ petition filed by the Petitioner from jail praying for grant of parole for a period of three months for the purpose of filing SLP and re-establishing social ties with the family and Society.
2. Reply to the petition has not been filed by the State.
3. On the last date of hearing i.e. on 18.12.2015, last opportunity was granted to the State to file reply to the petition within two weeks, specifically observing that in case no reply is filed by the State by the next date, it shall be presumed that the official respondent does not oppose the present petition.
4. Despite granting the last opportunity to the State, till date no reply has been filed by the State.
5. 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.18/346/2015/HG/4544dated 15th September, 2015.

6. Learned counsel for the Petitioner further submits that in terms of 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.”

7. 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.

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 four weeks from the date of his release to enable him to file SLP in the Hon'ble Supreme Court, on his furnishing personal bond in the sum of ₹ 10,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent and subject to the following conditions:-

(i) Since the petitioner is being granted parole for the twin purpose of filling SLP before the Hon'ble Supreme Court and re-establishing social ties and he is resident of Village Hushiyarpur Main Gate, Gali No.1, Room No.4, Near Pooja General Store, Distt. G.B.Nagar, Noida Sector-51, U.P. (i.e. the address mentioned in the memo of parties) the Petitioner shall keep the SHO/Duty Officer, P.S. Narcotics Branch, Delhi informed about his place of residence in Delhi as well as his place of residence in his native town and his contact numbers i.e. mobile, landline or both. He shall further inform the SHO/Duty Officer, P.S. Narcotics Branch, Delhi as to the period for which he shall be staying in his native town.

(ii) The Petitioner shall report on every Monday at 11 AM to the Duty Officer of the concerned Police Station/Police Post under the jurisdiction of which, the Petitioner shall stay during the period of parole in his native town.

(iii) The Petitioner shall submit proof of filing of the Special Leave Petition to the SHO, P.S. Narcotics Branch, Delhi with the name of counsel who filed the SLP.

(iv) While submitting the bail bond, he will furnish to the Jail Superintendent the address and the contact numbers of the place where he would reside in Delhi and in his native town i.e Village Hushiyarpur Main Gate, Gali No.1, Room No.4, Near Pooja General Store, Distt. G.B.Nagar, Noida Sector-51, U.P., during the period of parole.

9. It is directed 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. It is made clear that the Petitioner shall avail the benefit of parole granted herein above in case FIR No.N-104/2008, PS Narcotics Branch only if he is on bail in other cases or is otherwise eligible to be released.

11. Writ Petition stands allowed in the above terms.

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

Order *dasti*.

PRATIBHA RANI, J.

JANUARY 13, 2016

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