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

+ W.P.(CRL) 2564/2015

HARENDER TOMAR

..... Petitioner

Through: Mr.Aditya Vikram and Ms.Garima
Singh Yadav, Advocates.

versus

STATE

..... Respondent

Through: Ms.Kamna Vohra, ASC for the State
with SI Neeraj Kumar, PS
Mandawali.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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12.01.2016

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. 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.18/296/2015/HG/4560 dated 15.09.2015.

3. 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.”

4. 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.

5. Learned ASC for the State has filed the status report alongwith previous conviction/involvement report of the petitioner in other twelve cases.

6. Nominal roll of the Petitioner has also been placed on record. In column No.22 of the nominal roll i.e. ‘Details of pending cases, if any,’ it is mentioned that the petitioner is involved in two cases i.e. FIR No.154/2011 under Section 186/353/356 IPC, PS Jagat Puri and FIR No.123/2009, under Section 385 IPC PS Farsh Bazar and in both the cases, he is on bail. The conduct of the petitioner during the period of incarceration has been shown ‘Satisfactory’.

7. 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 and 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 Rs.10,000/- with one surety 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. Mandawali, Delhi on every Monday at 10 AM.
- (ii) The Petitioner shall keep the SHO, P.S. Mandawali, Delhi 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) During the period of parole, the Petitioner shall remain in Delhi and he shall not cross the border and 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. Mandawali, Delhi with the name of counsel who filed the SLP.
- (v) While submitting the bail bond, he will furnish to the Jail Superintendent the address of the place where he would reside in Delhi during the period of parole as well as the contact numbers.

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 along with the particulars of the SLP filed by the Petitioner before the Supreme Court.

9. It is made clear that the Petitioner shall avail the benefit of parole granted herein above in case FIR No.490/2003 under Sections

392/397/34 IPC, PS Mandawali only if he is on bail in other cases or is otherwise eligible to be released.

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.

JANUARY 12, 2016

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