

\$~8

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

+ W.P.(CRL) 2616/2015

VIJAY PAL

..... Petitioner

Through: Mr.Puneet Singhal, Advocate

versus

STATE

..... Respondent

Through: Mr.Avi Singh, ASC for the State with
SI Sandeep PS South Rohini

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

18.01.2016

%

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.
2. Status report has been filed by the State mentioning therein that on verification the residential address of the petitioner at his native village i.e. Village Pachota, Post Sikhera, District-Bulandshehar, Uttar Pradesh was found to be correct. It is further mentioned in the status report that the address given by the petitioner in the writ petition i.e. Village Salempura Colony, Post Kakor, District Bulandshehar, Uttar Pradesh is the address of his maternal uncle Sh. Rattan Lal @ Rattan Pal Singh, who during inquiry informed that the petitioner will reside with him during parole period as the brothers of the petitioner are residing separately with their families.
3. Learned counsel for the petitioner submits that he has never been released during the period of 11 years which he has spent in the custody.

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.18/283/2015/HG/4539 dated 15th September, 2015.

4. 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.”

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. On behalf of the State, release of the Petitioner on parole has been opposed on the ground that Petitioner is involved in multiple murders.

7. 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’.

8. It may be noted here that in ***Shashi Shekhar vs. State of NCT of***
W.P.(CRL) 2616/2015

Delhi, W.P. (Crl.) 983/2013 wherein the Petitioner was involved in multiple murder cases, this Court has granted parole to that Petitioner. 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 Rs.10,000/- with two sureties, which includes one local 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 it has come in the status report that during the period of parole he will reside with his maternal uncle, who is resident of Village Salempura Colony, Post Kakor, District Bulandshehar, Uttar Pradesh, the Petitioner shall keep the SHO/Duty Officer, P.S. Rohini, 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. Rohini, 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. Rohini, 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 places where he would reside in Delhi as well as in his native town i.e. Village Salempura Colony, Post Kakor, District Bulandshehar, Uttar Pradesh during the period of parole.

(v) During the period of the parole, the Petitioner shall not contact the Complainant/victim's family or other public witnesses in any manner whatsoever.

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.

JANUARY 18, 2016

'pg'