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

+ W.P.(CRL) 2966/2015

PANKAJ BHAGAT

..... Petitioner

Through: Ms.Megha and Mr.Siddharth Johar,
Advocates for Mr.Pramod Kumar
Dubey, Advocate.

versus

STATE

..... Respondent

Through: Mr. Rajesh Mahajan, A.S.C. for the
State.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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10.02.2016

1. The present writ petition has been filed by the petitioner seeking parole for a period of three months on the ground of filing SLP before the Supreme Court as well as for maintaining social ties.
 2. Status report has already been filed by the State.
 3. Since the petitioner is resident of Village & Post Office Uteshra, PS Salkhuwa Bazar, Distt. Saharsa, Bihar and he is seeking parole for twin purposes i.e. to file SLP before the Supreme Court and to maintain social ties with family, on the last date of hearing learned counsel for the petitioner was directed to take instructions about the local address where the petitioner would stay in Delhi during the parole period for purpose of filing SLP.
 4. Today learned counsel for the petitioner, on instructions, submits that
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the petitioner has no local address at this point of time and prayer of the petitioner seeking parole may be considered subject to conditions deemed fit by this Court. She further 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.18/368/2015/HG/5868 dated 26.11.2015.

5. 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 for 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.”

6. Learned ASC for the State has further submitted that keeping in view the Parole/Furlough Guidelines-2010 issued by the Government of National Capital Territory of Delhi, the petitioner may be subjected to such conditions to ensure that he does not jump the parole.

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. 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 furnishing local address during his stay 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) 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 permanent resident of Village & Post Office Uteshra, PS Salkhuwa Bazar, Distt. Saharsa, Bihar, at the time of furnishing the bail bond the Petitioner shall keep the concerned Jail Superintendent as well as the SHO/Duty Officer, P.S. Mahendra Park, 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.

(ii) The concerned Jail Superintendent is directed to get the address of 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.

(iii) The petitioner shall further inform the Jail Superintendent as well as SHO/Duty Officer, P.S. Mahendra Park, Delhi about the period for which he shall be staying in his native town as well as the period for which he shall be

staying in Delhi for purpose of filing the SLP.

(iv) 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.

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

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.

FEBRUARY 10, 2016

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