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

+ W.P.(CRL) 248/2017

SUDHIR SHARMA

..... Petitioner

Through: Mr. Tarun Kumar, Advocate

versus

THE STATE (GNCT OF DELHI) & ANR.

..... Respondent

Through: Mr. Rajesh Mahajan, ASC with ASI
Ramesh Kumar, PS S.Rohini & SI
Gaurav Kumar, PS Shahbad Dairy.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

02.03.2017

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The petitioner has preferred the present writ petition to seek parole for a period of three months so as to be able to attend the first death anniversary of his mother and also to attend the ceremony of newly born grandson. He also seeks to re-establish his social ties.

Learned counsel for the petitioner submits that he had applied for parole not only in respect of RC No. 4(S)/98 but also in respect of his conviction and sentence in RC Nos. 6 & 7(S)/99 since his conviction and sentence has been upheld by this Court in appeal. However, the impugned order dated 23.12.2016 does not make reference to RC Nos. 6 & 7(S)/99. Learned counsel for the petitioner has shown to the Court the applications

made for parole in RC No. 4(S)/98 and RC Nos. 6 & 7(S)/99.

The nominal rolls shows that the petitioner is undergoing a sentence of three years RI with fine in Regular Case No. 4(S)/98 under Sections 471/419/465/467/468/120B IPC registered at PS CBI. The petitioner has already undergone over two years incarceration and the unexpired portion of his sentence as on 27.02.2017 is 8 months and 3 days. His jail conduct is found to be satisfactory. He was earlier granted parole for a period of four weeks on 16.11.2015 but he could avail of the same for a period of two weeks only on account of the fact that he was granted interim bail for only two weeks in Regular Case No. 5(S)/01 under Sections 379/380/465/468/471/120B IPC and Section 12 of the Passport Act, registered at police station CBI wherein the appellant stand convicted and sentenced to 7 years RI with fine and his appeal is pending in this Court. The sentence in RC No. 5(S)/01 shall run after the sentence in RC Nos. 6 & 7(S)/99 under Sections 380/419/420/467/120B IPC and 12 of the Passport Act registered at PS CBI is completed.

Similarly, the sentence in RC Nos. 6 & 7(S)/99 under Sections 380/419/420/467/120B IPC and 12 of the Passport Act registered at PS CBI i.e. 3 years with fine shall run after the sentence in the present case is completed.

Learned counsel for the petitioner submits that in case this Court were to grant parole to the petitioner, the petitioner shall then move an application to seek interim bail in the other cases noticed above and shall avail of the parole only if he is able to secure interim bail in the other cases.

Considering the fact that the petitioner has already undergone most of the sentences and his jail conduct is satisfactory, the petition is allowed. In

view of the aforesaid, the grant of parole by this order shall also be treated as grant of parole in respect of RC Nos. 6 & 7(S)/99 as well. The petitioner is directed to be released on parole for a period of four weeks on his furnishing personal bond in the sum of Rs. 25,000/- with one surety in the like amount to the satisfaction of the Jail Superintendent. This is further subject to the conditions that;

- i) he shall provide his mobile phone number to the Jail Superintendent at the time of his release, which shall be kept in working condition at all times. The same shall not be changed without prior intimation to the Jail Superintendent;
- ii) he shall report at the local police station to mark his attendance on every Monday at 11:00 a.m. during the period of parole;
- iii) he shall duly surrender at the end of the period of parole; and
- iv) he shall also not indulge in any criminal activity while on parole.

It is made clear that in case the petitioner were to seek interim bail in the other cases, the said application shall be considered on its own merits and the present order shall have no bearing on the same.

The petition stands disposed of.

Dasti.

VIPIN SANGHI, J

MARCH 02, 2017

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