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

+ W.P.(CRL) 484/2017

DEV KANT KAMAL

..... Petitioner

Through: Mr. K. Singhal, Advocate.

versus

STATE

..... Respondent

Through: Ms. Nandita Rao, ASC along with SI
Ajay Singh, PS-New Friends Colony,
for the State.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
15.02.2017

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Issue notice. Ms. Rao accepts notice on behalf of the State. She has tendered in Court a status report, which is taken on record.

The petitioner has preferred the present writ petition to assail the order dated 26.12.2016, whereby the petitioner's application to seek parole to be able to file a Special Leave Petition, arrange funds for the same and to maintain social ties has been rejected. The petitioner also seeks parole for a period of two months to be able to file the Special Leave Petition before the Supreme Court.

The nominal roll shows that the petitioner is undergoing a sentence of

6 years Simple Imprisonment for offence under Section 307/ 34 IPC; 6 Months Simple Imprisonment for offence under Section 323/ 34 IPC; and 2 years Simple Imprisonment for offence under Section 325/ 34 IPC with fine in case FIR No.49/2009 under Section 307/325/ 323/ 34 IPC registered at PS – New Friends Colony. All the sentences are to run concurrently. The petitioner has already undergone 2 years and 7 days of incarceration and also earned remission of 6 months and 6 days as on 10.01.2017. The unexpired portion of the sentence is 3 years, 5 months and 17 days. The jail conduct of the petitioner has been found to be satisfactory.

The reason for rejection of the petitioner's application is stated to be the adverse police report. It is stated that the grounds are filmsy and not compelling and his release may impact adversely the law & order situation and security in the area. It is apprehended that he may harm the witnesses and the victim party. He is also stated to be involved in FIR No.63/2013 under Section 135 of the E. Act. registered at PS – NFC, New Delhi.

In my view, the said cannot be the general reasons for rejection of the parole application as there is no specific premise on which they are based. The address of the petitioner has been got verified by the State as per the status report.

Accordingly, the impugned order is quashed and the petition is allowed. The petitioner is directed to be released on parole for a period of one month to be able to prefer a Special Leave Petition before the Supreme Court challenging the order of this Court dismissing his appeal on 13.07.2016, subject to:

- i) his furnishing personal bond with one surety in the sum of Rs.10,000/- to the satisfaction of the Jail Superintendent;

- ii) 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;
- iii) 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;
- iv) he shall duly surrender at the end of the parole period;
- v) at the time of his surrender, he shall submit proof of filing the Special Leave Petition before the Supreme Court, to the Jail Superintendant; and
- vi) he shall also not indulge in any criminal activity while on parole.

A copy of this order be communicated to the Jail Superintendant concerned.

VIPIN SANGHI, J

FEBRUARY 15, 2017

B.S. Rohella