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

+ **W.P.(CRL) 483/2017**

VIRENDER

..... Petitioner

Through: Mr. Rohan Kothari, Mohd. Faraz &
Mr. Kumar Vaibhav, Advocates.

versus

STATE

..... Respondent

Through: Mr. R.S. Kundu, ASC and Mr. Ankit
Gulia, Advocate along with SI Karan
Singh, PS-Crime Branch, for the
State.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
15.02.2017

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Issue notice. Mr. Kundu accepts notice on behalf of the State. He 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 03.11.2016, whereby the petitioner's application to seek parole to be able to file a Special Leave Petition 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

5 years Rigorous Imprisonment with fine in case FIR No.1/2010 under Section 307 IPC and Sections 25/ 27 of the Arms Act registered at PS – Rithala Metro Station. The petitioner has already undergone 3 years, 11 months and 20 days of incarceration and also earned remission of 8 months and 26 days as on 13.01.2017. The unexpired portion of the sentence is 3 months and 14 days. The jail conduct of the petitioner has been found to be satisfactory.

The petitioner is on bail in another case being FIR No.539/2008 under Section 379/ 356 IPC registered at PS – Nangloi; and he has undergone sentence in two other cases, namely FIR No.237/2015 under Section 174A IPC registered at PS – Prashant Vihar, and the case being FIR No.1078/2006 under Sections 25/ 54/ 59 of the Arms Act registered at PS – S.Puri.

The reason for rejection of the petitioner's application is stated to be the adverse police report since the petitioner is convicted in a heinous case of attempt to murder. It is apprehended that he may harm the witnesses and the victim party.

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 04.05.2016, 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