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

+ W.P.(CRL) 422/2017

SHEESH PAL @ PALE

..... Petitioner

Through: Mr. Anurag Jain, Advocate

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through: Ms. Richa Kapoor, ASC and Ashish
Negi, Advocate with SI Sandeep Sharma

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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28.04.2017

The petitioner stood trial in criminal case arising out of FIR no.574/1992 of police station Vasant Kunj in the court of Sessions and by judgment leading to order dated 21.05.2010, he was held guilty and convicted and sentenced for offences punishable under Sections 376, 342, 334 IPC wherein he was awarded rigorous imprisonment for seven years with fine.

He preferred an appeal (Crl. A. 811/2000) which was eventually dismissed by this court on 19.10.2016. It appears during the pendency of the criminal appeal before this court, he substantially remained on bail. He surrendered to custody on 02.11.2016.

The prime ground on which he sought release on parole as per the request submitted on 25.01.2017 was to make arrangement for filing of the special leave petition in the Supreme Court. The State has taken its own time in taking a decision communicated on

19.04.2017 this only after the petitioner was constrained to file the present writ petition in this court seeking similar relief. The State has rejected the request on the ground that release will have adverse effect on the victim party /witnesses and the law and order situation. These grounds, to say the least, do not impress.

In order to facilitate an opportunity to the petitioner to file special leave petition before the Supreme Court, the petition is granted. He is directed to be released on parole for a period of two weeks subject to the conditions that :-

- (i). He shall furnish a personal bond in the sum of Rs.10,000/- with one surety in like amount to the satisfaction of the Superintendent Jail.
- (ii). Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the jail authorities and to local police.
- (iii). During the period of his release, he shall not come in contact with or try to influence any of the witnesses of the case in which he stands convicted or the cases which are still pending against him.
- (iv). During the period of release, he shall maintain peace and be of good behaviour not involving in any criminal activity.
- (v). He shall not leave the National Capital Territory of Delhi during the period of parole, without prior permission of this court.
- (vi). He shall surrender before the jail authorities on the expiry of the period of parole.

The writ petition is disposed of in these terms.

A copy of this order shall be transmitted to the jail authorities.

Dasti.

R.K.GAUBA, J

APRIL 28, 2017

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