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

+ W.P.(CRL) 492/2017

SONU @ CHHOTU Petitioner

Through: Mr. Mohd. Faral, Adv.

versus

STATE Respondent

Through: Ms. Mallika Parmar, Adv. for Ms.
Richa Kapoor, ASC for the State
SI Sandeep Srivastava, P.S. Maurya
Enclave

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **26.04.2017**

The petitioner questions the correctness of the order dated 17.11.2016 passed by the competent authority whereby his prayer for being released on parole for preferring SLP against the judgment and order of conviction and sentence and for re-connecting social ties was rejected.

The order impugned reveals that the adverse police report weighed with the competent authority in rejecting the prayer for grant of parole. It is well settled by law that every person/convict has statutory right to appeal and an important adjunct of the aforesaid right would be to have a lawyer of his choice. Nobody could be prevented from availing the legal remedies which have been provided to him under the law of land. There is nothing on record to justify any adverse report against the petitioner except for the fact that on one occasion, he was punished in jail on 30.07.2015.

The petitioner has been convicted for offences under Sections 392/394/397/34 of the IPC and has been sentenced to undergo RI for 7 years and to pay a fine of Rs.5,000/- and in default of payment of fine, to suffer further SI for 7 days.

The petitioner has remained in custody for more than 3 years by now. The jail conduct of the petitioner, for the last one year, is satisfactory.

Considering the fact that for the last one year the petitioner has shown good conduct in jail and he is required to file SLP before the Supreme Court of India, this court is inclined to release him on parole for a period of four weeks.

The petitioner is directed to be released on parole for four weeks, to be counted from the date of his release, on his furnishing a bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the Trial Court.

From the status report, this court finds that the address provided by the petitioner is correct.

The petitioner, during the period of his parole, shall not indulge in any unlawful activity and shall, after the expiry of the parole period, positively surrender before the Superintendent of the concerned jail. The petitioner shall not, in the meanwhile, contact any person who would be interested in his conviction/prosecution.

The petitioner shall furnish his mobile telephone number and the telephone number of his surety to the trial court which shall be communicated to the Officer In-charge of the concerned police station. Needless to say, the petitioner shall not leave the confines of National Capital Region of Delhi, without proper cause and not before seeking

permission from the Trial Court.

The petition is allowed.

The order be communicated to the Superintendent of the concerned jail for compliance and record.

ASHUTOSH KUMAR, J

APRIL 26, 2017

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