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

+ W.P.(CRL) 798/2017

RAJENDER @ KALLU ..... Petitioner  
Through: Mr.Hemendra Tailiya, Adv.

versus

STATE (NCT OF DELHI) ..... Respondent  
Through: Mr.Jamal Akhtar, Adv. for  
Mr.Rahul Mehra, St.Counsel for State.  
Insp. Deepak Malik, P.S. Maurya Encalve

**CORAM:**

**HON'BLE MR. JUSTICE ASHUTOSH KUMAR**

**ORDER**

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**11.08.2017**

Mr.Jamal Akhtar, Advocate has furnished a copy of the order dated 9.3.2017 passed by the Competent Authority. Let it be taken on record.

The request of the petitioner for being released on parole for filing SLP before the Supreme Court of India and to reconnect family and social ties, was rejected by the Competent Authority by the aforesaid order on the ground of his bad conduct in jail.

Learned counsel appearing for the petitioner has drawn the attention of this Court to the nominal roll and has submitted that the last punishment which was given to him for the jail offence (for assault and being abusive). Thereafter nothing adverse has been reported against the petitioner.

The petitioner has been convicted under Sections 302 & 392 read with Section 397 of the Indian Penal Code and has been sentenced to undergo RI for life for the offence under Section 302 IPC and RI for ten years for the

offence under Section 392 read with Section 397 IPC.

Learned counsel for the petitioner further submits that the petitioner wishes to challenge the judgment and order of conviction by filing SLP before the Supreme Court of India.

There is nothing on record to support the presumption of the State that the petitioner could jump the parole bond if he is released.

True it is that the conduct of the petitioner has not been good in jail. But the nominal roll indicates that on three occasions, the petitioner was found to be in possession of prohibited articles whereas only on one occasion, was he punished for assault and for being abusive.

This Court, in several cases has considered that the right to exercise legal remedy cannot be curtailed on any account.

Taking into account all the facts which include the period of custody of the petitioner and his requirement to come out of jail to arrange for funds and engage a lawyer for preferring SLP before the Supreme Court of India, this Court is inclined to release the petitioner on parole for a specific period.

Let the petitioner be released on parole for a period of three weeks, to be counted from the date of his release on his furnishing a bond in the sum of Rs.5,000/- with one surety in like amount to the satisfaction of the Superintendent of the concerned jail.

The petitioner shall be required to follow the conditions enumerated below:-

- a) The petitioner shall surrender before the jail authorities on or before the expiry of the said period of parole.
- b) The petitioner shall not engage himself in any unlawful activity.
- c) The petitioner would not leave, under any circumstance, the

National Capital Region of Delhi.

- d) He shall furnish his and his surety's mobile telephone numbers to the SHO of the concerned police station so that in case of necessity he could be tracked and his whereabouts could be ascertained.

In case, the petitioner flouts any one of the conditions, an application could be moved by the SHO for cancellation of his parole and for taking of coercive steps for securing his attendance.

With these observations, the petition is disposed of.

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

Dasti.

**ASHUTOSH KUMAR, J**

**AUGUST 11, 2017**

Bisht