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

+ W.P.(CRL) 828/2017

MD.SHAKIL @ BHOLA Petitioner
Through: Ms.Neha Kapoor, Adv.

versus

STATE OF NCT OF DELHI Respondent
Through: Mr.Rahul Mehra, Standing Counsel
with Mr.Jamal Akhtar, Adv.
S.I.Pawan Kumar, P.S. IGI Airport

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **19.09.2017**

The petitioner is aggrieved by the order dated 1.8.2017 passed by the competent authority whereby his prayer for being released on parole has been rejected on the ground of adverse police report; assumption that the petitioner may jump parole and also for his unsatisfactory jail conduct. The petitioner was punished on 17.4.2017 for a jail offence.

The learned counsel for the petitioner has drawn the attention of this Court to the nominal roll which indicates that he has been in jail for more than 12 years and if remission is counted, the period of custody would be around 14 years. It has also been pointed out that right from 2015 onwards, the petitioner has been granted parole and furlough by the orders of the competent authority and during such period, nothing adverse was reported against him.

No doubt, it is true that the petitioner was punished on two occasions

in the past and for one occasion this year, that is, on 13.4.2017, but no adverse report was reported during the period that he was on furlough and parole.

This Court has also taken note of the fact that even after the punishment given to him in the year 2011 and 2012, the competent authority granted furlough and parole to him in the past.

The reason assigned by the petitioner for being released on parole is that he has to take care of his father, who was, at that time, in critical condition and was admitted in ICU. Though much time has elapsed thereafter, but then, if the father of the petitioner is old and had been ill, it would be necessary that someone takes care of him at least for some time.

The address of the petitioner has been verified.

Considering the aforesaid facts, this Court is inclined to grant parole to the petitioner for a period of three weeks.

The petitioner is directed to 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.12,000/- with one surety in the like amount to the satisfaction of the Superintendent of the concerned jail.

The petitioner shall, however, abide by the conditions listed 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, without intimating the officer-in-charge of the concerned police station.

d) He shall furnish his and his sureties' 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 enumerated above, an application could be moved by the concerned 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

SEPTEMBER 19, 2017

Bisht