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

% *Date of Decision: 14.09.2017*

+ **W.P.(CRL) 1368/2017**

RABBANI @ SAMEER Petitioner
Through Ms.Aishwarya Rao, Adv.

versus

STATE Respondent
Through Mr.Rahul Mehra, Standing
Counsel (Criminal) for the State with
Mr.Jamal Akhtar, Adv. along with SI Ombir
Singh, P.S. Welcome.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

VINOD GOEL, J. (Oral)

1. The petitioner has invoked the writ jurisdiction of this Court under Article 226 of the Constitution of India read with Section 482 Code of Criminal Procedure, 1973 for grant of parole for a period of three months in order to maintain social ties and to enable him to file Special Leave Petition before the Hon'ble Supreme Court against the order dated 23rd March, 2016 by which Crl. Appeal No.648/2013 was dismissed by this Court.
2. Status report has been filed. The petitioner has also filed the additional affidavit.
3. As per the nominal roll, the petitioner was convicted under

section 302 IPC by the learned District and Sessions Judge, Karkardooma Court, Delhi, and he was sentenced to undergo rigorous imprisonment for life with fine of Rs.1,000/- by order dated 8th March, 2013. He has undergone imprisonment for five years, nine months and twenty eight days. He has never been granted parole during this period. However, his parole application was rejected by the competent authority on 9th March, 2017.

4. As per the nominal roll, the overall conduct of the petitioner has been satisfactory.
5. Learned Standing counsel points out that the petitioner was convicted for murdering his wife and surprisingly his father-in-law, who is present in court, intends to stand surety for him in case he is released on parole and the petitioner intends to reside with his father-in-law during parole period.
6. Mr.Liaqat Ali, father-in-law of the petitioner, is present in court. On asking he confirms that he intends to stand surety for the petitioner in case he is released on parole.
7. Admittedly, the appellant was convicted by learned District and Sessions Judge, Karkardooma Court, under Section 302 IPC and his appeal, being CrI.A. No.648/2013 was dismissed on 23rd March, 2016 by this Court. His overall conduct in the jail has been found to be satisfactory.
8. The statutory right of the petitioner to file Special Leave Petition (CrI.) in the Hon'ble Supreme Court of India cannot be

emasculated by asking him to avail of the service of a legal aid counsel in the jail.

9. In the circumstances, to enable the petitioner to avail of his statutory right to prefer Special Leave Petition (Crl.) in the Hon'ble Supreme Court of India against the order of dismissal of Crl.Appeal No.648/2013 vide order dated 23rd March, 2016, he be released on Parole for a period of four weeks from the date of his release on the following terms and conditions: -

- (i) the petitioner shall furnish his personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the concerned Jail Superintendent.
- (ii) the petitioner shall maintain good conduct and behaviour during his release.
- (iii) the petitioner shall not leave the National Capital Territory of Delhi.
- (iv) the petitioner shall provide mobile number of the surety which will be kept in active mode and shall not be changed without the permission of the Court.
- (v) the petitioner shall report his presence to the SHO of the area every Monday and Thursday at 11.00 AM.

(vi) He shall surrender to Jail Superintendent immediately after completion of parole period.

10. The petition is disposed of accordingly.
11. Copy of this order be sent to the Jail Superintendent.
12. Copy of this order be given *dasti*.

VINOD GOEL, J.

SEPTEMBER 14, 2017/jitender

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