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

+ W.P.(CRL) 2263/2016

KHALID MEMHOOD

..... Petitioner

Through: Mr. Jatin Rajput, Advocate

versus

STATE

..... Respondent

Through: Mr. Mukesh Kumar, APP for Ms.
Nandita Rao, ASC with ASI Puran
Singh, PS Gokal Puri

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
02.02.2017

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The petitioner has preferred the present petition to seek custody parole for a period of 8 hours to be able to visit the Pakistan High Commission and to collect the relevant documents so that his case may be forwarded to the Sentence Review Board (SRB) for review.

The status report has been filed by the State. The petitioner is undergoing life sentence upon being convicted in case FIR 79/1994 u/s 3/4/5 of TADA Act registered at PS Gokalpuri. As per the status report, the petitioner is a high risk prisoner of foreign origin. On this ground, the present petition is opposed by the State.

The petitioner having been convicted of offences under the TADA Act, I am not inclined to allow the present petition since it is not clearly stated as to why it is necessary for the petitioner to visit the Pakistan High Commission and that too for a period of 8 hours. The petitioner is a Pakistani national. In case he desires any document, he can always write to the Pakistan High Commission and such a communication can be communicated to the Pakistan High Commission through the State. The response of the Pakistan High Commission can be collected and forwarded to the petitioner. Even otherwise, it is open to the concerned officers from Pakistan High Commission to make a jail visit and meet the petitioner in Delhi.

Looking to the nature of the offence; the fact that the petitioner is a Pakistani national and the fact that the country continues to face terrorist attacks - which are officially claimed to be of Pakistani origin and sponsored by the State of Pakistan, I do not consider it in public interest to grant even custody parole to the petitioner, and that too for a period of 8 hours, as prayed for.

In case the petitioner desires that any communication be sent to the Pakistan High Commission – only in relation to the documents that he requires for pursuing his application before the SRB, the same may be communicated to the Pakistan High Commission through the State, and the response of the Pakistan High Commission, if any, channelized through the State shall be communicated to the petitioner, provided the same is in relation to documents that the petitioner requires for pursuing his case before the SRB.

The petition is, accordingly, dismissed.

VIPIN SANGHI, J

FEBRUARY 02, 2017

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