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

+ **W.P.(CRL) 1105/2017**

RAJESH BHATI

..... Petitioner

Through: Mr. Siddharth Yadav, Advocate

versus

STATE NCT OF DELHI

..... Respondent

Through: Ms. Nandita Rao, ASC with SI Niranjan
Kumar, PS Bhajanpura

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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28.04.2017

The petitioner stood trial and criminal case arising out of FIR no.146/2005 of police station Bhajanpura and by judgment of the sessions court leading to the order on sentence dated 04.08.2011 he was held guilty and convicted and sentenced to rigorous imprisonment for seven years with fine and similar sentence for offence under Section 120B read with Section 307 IPC. He filed criminal appeal (Crl. A. No.1099/2011) which was disposed of by this court by judgment dated 02.07.2014 whereby the sentence of rigorous imprisonment with fine for the substantive offence under Section 307 IPC has been maintained.

As per the nominal roll dated 25.04.2017, the petitioner has already suffered actual incarceration of over five years eleven months.

He was last granted parole in March / April 2015 for four weeks though he has been availing of release on furlough, he is seeking

release on parole for carrying out repairs of his ancestral house and to reconnect the social and family ties.

He had applied for release on parole before the State Government but his request was turned down by communication dated 04.11.2016, *inter alia*, on the ground police verification report could not be obtained. This, needless to add, is hardly a ground to deny the relief, particularly in view of the fact that police has now been able to not only confirm the address but also the fact that his house needs repairs.

The learned additional standing counsel against this background submits no objection. The prayer is granted.

The petitioner is directed to be released on parole for a period of four weeks subject to the following conditions that :-

- (i). He shall furnish personal bond in the sum of Rs.10,000/- with one surety in like amount to the satisfaction of the Superintendent Jail.
- (ii). Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the jail authorities and to local police.
- (iii). During the period of parole, he shall report to the SHO of the concerned police station once a week on every Saturday.
- (iv). During the period of his release, he shall not come in contact with or try to influence any of the witnesses of the case in which he stands convicted or the cases which are still pending against him.
- (v). During the period of release, he shall maintain peace and be of good behaviour not involving in any criminal activity.
- (vii). He shall surrender before the jail authorities on the expiry of the period of parole.

(viii) Upon arrival at the native place, as aforesaid, he shall report his arrival to the local police, handing over a copy of this order, and thereafter mark his attendance in the police station at least once a week.

The writ petition is disposed of in these terms.

A copy of this order shall be transmitted to the jail authorities.

Dasti.

R.K.GAUBA, J

APRIL 28, 2017

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