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

+ W.P.(CRL) 1195/2017

SHISHPAL @ SHISHU Petitioner

Through: Mr.B.P.Sharma, Adv.

versus

STATE Respondent

Through: Dr.M.P.Singh, APP for Ms. Nandita
Rao, ASC.

SI Sanjeev Kumar, P.S.Mayur Vihar.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **15.05.2017**

Crl.M.A. 6748/2017

Exemption allowed, subject to all just exceptions.

Application is disposed of.

W.P.(CRL) 1195/2017

The petitioner had represented for being released on parole as his marriage has been fixed for 21.05.2017 and thereafter another function for 25.07.2017.

From the perusal of the order of the competent authority, it appears that one of the co-accused, after being released on furlough had jumped his bond and, therefore, the competent authority was of the opinion that the petitioner might also jump the bonds. The other ground which has weighed by the competent authority in turning down the request of the petitioner is that he has availed of parole from 07.10.2016 to 08.11.2016. Now six

months have passed after the parole was granted. A look at the nominal roll of the petitioner suggests that though the petitioner has been convicted under Section 302/34 of the IPC and has been sentenced to undergo RI for life but he has remained in jail for more than 4½ years by now and his overall conduct in jail has been satisfactory. The petitioner was twice released on parole by the order of this Court and on both the occasions, the petitioner surrendered before the jail authorities on time and did not involve himself in any unlawful activity.

The marriage invitation card has been annexed with the present petition. The fact of the marriage of the petitioner has been verified and has been found to be true. In fact, the bride to be is present in Court who has furnished her identity card. She has submitted that she has decided to get married to the petitioner as she knew him from before.

Taking into account the fact that the petitioner's marriage has been fixed for 21.05.2017, his overall satisfactory conduct in jail and the fact that on two occasions he was granted the privilege of parole which he did not misuse, this Court is inclined to release him on parole for a period of four weeks to be counted from the date of his release, coinciding with the date of marriage and another function which is to be held after the marriage.

Let the petitioner be released on parole for a period of four weeks on his furnishing a bond in the sum of Rs.10,000/- with one surety of like amount to the satisfaction of the Superintendent of the concerned jail.

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

- a) The petitioner shall surrender 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.
- 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.

A copy of this order be given dasti under the signature of the Court Master.

ASHUTOSH KUMAR, J

MAY 15, 2017

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