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

+ W.P.(CRL) 1140/2017

HUNNY

..... Petitioner

Through Mr. K. Singhal, Adv. with Mr. Sachin
Agarwal, Adv.

versus

STATE NCT OF DELHI

..... Respondent

Through Ms. Richa Kapoor, ASC with Ms.
Seema Patnaha, Adv. for State.
W/Insp. Antriksha Alok PS Nabi
Karim.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **27.04.2017**

The petitioner seeks release on parole for a period of four weeks for preferring SLP before the Supreme Court of India against the judgment and order of conviction and for reconnecting social ties.

The representation of the petitioner was rejected on the ground of adverse police report and unsatisfactory conduct in jail.

Ms. Kapoor, the learned Additional Standing Counsel, points out from the nominal roll that apart from the present case, the petitioner is accused in 5 other cases of similar nature. The nominal roll suggests that the petitioner was twice sentenced in prison for keeping tobacco and fighting with co-inmates of the jail. However, on one occasion when the petitioner was released on bail, he was readmitted in jail on 10.02.2016.

True it is that the conduct of the petitioner has been far from satisfactory in jail but out of a total sentence period of 3 years and a fine of Rs.3,000/-, for offence under section 392 with the aid of section 34 of the IPC, he has already remained in jail for about 2 ½ years.

The SLP in the Supreme Court could, of course, be filed with the help of a legal aid counsel but it is one of the necessary adjuncts of the statutory right to appeal, that a convict be afforded a personal choice of the advocate.

Considering the aforesaid fact and taking into account that most part of the sentence in the present case has already been served by the petitioner, this Court is inclined to release the petitioner on parole for a period of four weeks.

Let the petitioner be released on parole for four weeks, to be counted from the date of his release, on his furnishing a bond in the sum of Rs.10,000/- with two sureties of the like amount, one of the surety being the wife of the petitioner, to the satisfaction of the Superintendent of the concerned jail. The petitioner shall furnish his and his wife's mobile telephone numbers which shall be forthwith communicated to the SHO of the concerned police station.

The petitioner shall, in no condition, breach anyone of the conditions enumerated below:

- a) The petitioner shall visit the SHO of the concerned police station on every Wednesday of the week at 11:00 a.m.
- b) The petitioner shall not meet any person who would be interested in his prosecution or conviction.
- c) The petitioner shall not involve himself in any unlawful activity.

d) He shall not leave the confines of National Capital Territory of Delhi without intimating and seeking prior permission from the SHO of the concerned police station.

In case the petitioner is found to have violated any one of the aforesaid terms and conditions, it would be open for the state to file two pages affidavit seeking cancellation of the aforesaid privilege of parole.

This order be communicated to the Jail Superintendent for compliance and record.

The petition is disposed of.

ASHUTOSH KUMAR, J

APRIL 27, 2017

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