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

+ W.P.(CRL) 1339/2017

RAVINDER KUMAR @ SADHU Petitioner

Through Mr. Anurag Jain, Adv.

versus

STATE NCT OF DELHI Respondent

Through Mr. Jamal Akhtar, Adv. with Mr.
Rahul Mehra, St. Counsel for the
State.
SI Sandeep Kumar PS Palam Village.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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24.05.2017

The petitioner represented before the competent authority for being released on parole for reconnecting social ties as also for preferring SLP before the Supreme Court of India, which was rejected vide order dated 24.04.2017.

The competent authority has cited unsatisfactory conduct of the petitioner in jail for turning down the request. The competent authority while rejecting the representation of the petitioner was of the assumption that the release of the petitioner would harm the victim and that there could be a possibility of the petitioner jumping the parole. It was also felt by the competent authority that the petitioner can prefer SLP from jail where free legal aid is available to him and other prisoners.

Learned counsel for the petitioner has drawn the attention of this

Court to the nominal roll which indicates that he has remained in jail for more than 5 years. Though the petitioner was punished for jail offences in the year 2013-14 but ever since 08.08.2014, on which date he was punished for the last time, his conduct has been satisfactory.

The petitioner has never been granted parole in the past.

There is no doubt that legal assistance is available to the prisoners in jail but the right to file statutory appeal would be rendered meaningless if a detenue is not afforded his choice of the lawyer.

Taking into account the aforesaid facts namely the custody of the petitioner, his satisfactory conduct in jail for the last one year and the requirement of the petitioner of preferring SLP before the Supreme Court of India, this Court is inclined to release the petitioner on parole for a specified period.

Let the petitioner be released on parole for a period of four weeks, to be counted from the date of his release, on his furnishing a bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the Trial Court.

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

- a) The petitioner shall surrender before the jail authorities 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 of Delhi, without the permission of the SHO of the concerned police station.
- 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.

Dasti.

ASHUTOSH KUMAR, J

MAY 24, 2017
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