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

+ W.P.(CRL) 1246/2017

KUMAR PAL

..... Petitioner

Through: Mr. Sitab Ali Chaudhary, Adv.

versus

THE STATE (GNCT OF DELHI)

..... Respondent

Through: Mr. Piyush Singh, Adv. for Mr.
Ashish Aggarwal, ASC
ASI, Rajender, Crime

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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28.04.2017

By order dated 16.03.2017, the competent authority has rejected the prayer of the petitioner for releasing him on parole. The order reflects that even though the address of the petitioner was verified but it was found that his family does not reside there. The further ground of rejection is the gravity and the quantum of sentence respectively, leading to the presumption that the petitioner might jump the parole.

Status report has been filed today which has been taken on record.

After verification of the address, it was found that the family of the petitioner actually stays at the address provided by him. The nominal roll discloses that the conduct of the petitioner has been satisfactory. On several earlier occasions, the petitioner was granted interim bail and parole and on all such occasions the petitioner surrendered on time. Only on two occasions, the petitioner had surrendered a day later than the period of

parole.

Every convict has a right to file statutory appeal and such right would be rendered a formality if he is not afforded his own choice of the lawyer.

Considering the aforesaid facts, namely, good conduct in jail and the verified address, this court is inclined to release the petitioner on parole for 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 one surety of the like amount to the satisfaction of the Superintendent of the concerned jail. The surety would be a local person staying in the National Capital Region of Delhi.

The petitioner shall be released on parole subject to the following conditions:

- 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.
- 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.

ASHUTOSH KUMAR, J

APRIL 28, 2017

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