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

+ W.P.(CRL) 1249/2017

RAJENDER MAURYA Petitioner

Through: Mr.Sumeet Verma, Adv.

versus

STATE OF NCT OF DELHI Respondent

Through: Ms.Richa Kapoor, ASC.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **06.07.2017**

The request of the petitioner for being released on parole for reconnecting social ties as also for preferring SLP before the Supreme Court of India was rejected by order dated 06.03.2017 by the competent authority.

Learned counsel for the petitioner, at the outset has stated that the SLP against the judgment of conviction was filed and the same was dismissed. The only reason, now, for the petitioner to pray for being released on parole is to reconnect social ties.

The petitioner has been in custody for about nine years. His conduct in jail has been satisfactory. The address of the petitioner has been verified. The petitioner has two places where he could go. His own family and his brother's family reside in Gujarat whereas the parents have huge landed property in the district of Jaunpur in the State of U.P.

Taking into account the period of sentence which has been undergone by the petitioner and his uniform good conduct in jail, this Court is inclined to release the petitioner on parole for a specified period.

Ms. Richa Kapoor, learned Additional Standing Counsel, however, submits that the other co-accused of this case has already been granted parole and thus a condition also be imposed that the order of parole in favour of the petitioner be effected only after the other co-accused surrenders on the expiry of the parole period. This Court is afraid, such a condition cannot be put in the order when the Court takes the view of releasing the petitioner on parole. No doubt such a condition forms part of the guidelines regarding release of a convict on parole and furlough but strict compliance of such guidelines is neither warranted nor would serve any fruitful purpose. Perhaps, the aforesaid condition in the guidelines is for the purposes of ensuring that after the expiry of the period of parole, the convict returns to jail. This could be ensured by other mechanisms as well.

The petitioner is directed to 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 two sureties of like amount to the satisfaction of the Superintendent of the concerned jail.

The petitioner shall abide by the conditions listed 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 intimating the officer-in-charge of the concerned police station.

- d) He shall furnish his and his sureties' 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.
- e) The petitioner, on his arrival at any one of the places in Gujarat and U.P shall inform about his arrival to the SHO of the police station under whose jurisdiction his house/place of stay would be situated and will communicate his complete address. He would also get his presence marked every week at the concerned police station. The petitioner shall also, before embarking upon journey to any place outside Delhi, shall inform the Superintendent of the concerned jail and the SHO of the local police station about the place where he is proceeding to.

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

JULY 06, 2017

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