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

+ W.P.(CRL) 1381/2017

MOHD ANWAR Petitioner

Through: Mr. Yasir Rauf, Adv.

versus

STATE OF NCT OF DELHI Respondent

Through: Ms. Kamna Vohra, ASC for the State
SI Ashish Sharma, P.S. Sadar Bazar

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **27.07.2017**

The petitioner had applied before the competent authority for grant of parole which was rejected vide order dated 27.04.2017.

A perusal of the order reflects that the prayer of the petitioner was rejected on several grounds; the most important being that he had jumped parole w.e.f.24.05.2000 and he was re-arrested only on 08.11.2002. The petitioner was also found to have been involved in two cases while he was on parole but that was in the year 2014.

Learned counsel for the petitioner has drawn the attention of this court to an order passed by a bench of this court whereby taking into account the aforesaid past conduct of the petitioner, furlough was granted for a period of two weeks.

The nominal roll of the petitioner indicates that the petitioner has remained in jail for more than 22 years and on several occasions in the past, he has been granted parole and furlough either under the orders of this court or by the competent authority. The conduct of the petitioner has not been

satisfactory and has been punished on several occasions. The last punishment meted out to the petitioner for a jail offence is of 11.01.2017.

However, this court, for the present, is looking at the immediate cause for the petitioner to seek parole.

Learned counsel for the petitioner has stated that the wife of the petitioner was administered IVF treatment but the same was discontinued because of the absence of the petitioner. The purposes behind seeking the parole, it has been argued, is to continue with the IVF treatment of the wife of the petitioner and also to enable him to get his daughter admitted in a good school after she passes Class Xth.

Ms. Kamna Vohra, the learned Additional Standing Counsel, with reference to the status report, submits that the wife of the petitioner was administered IVF treatment but later the treatment was stopped and the petitioner and his wife were advised to get the follow-up treatment in a government hospital as the private hospital where initially treatment was given was not ready to continue with such treatment.

The fact of the daughter of the petitioner being a student and requiring to be admitted in a good school was verified and found to be correct. The daughter of the petitioner, namely, Samiksha, is stated to have appeared and passed in Xth standard examination. She is to be admitted now to standard XI of any school.

Taking into account the aforesaid facts, namely, the requirement of the petitioner to be available for continuance of the IVF treatment of his wife and for admission of his daughter in class XI, this court feels inclined, for the present, 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 Superintendent of the concerned jail.

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.

The present order has been passed taking into account the period of custody of the petitioner.

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

JULY 27, 2017/ns