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

+ W.P.(CRL) 1597/2017

NAZIM

..... Petitioner

Through: Mr. Yogesh Swaroop with Mr. Kapil
K. Kaushik, Advs.

versus

STATE

..... Respondent

Through: Mr. Rajesh Mahajan, ASC
SI Kapil Kumar & ASI Jaiveer, P.S.
Khajuri Khas

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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30.05.2017

The petitioner had represented before the competent authority for being released on parole on the ground that the expected date of delivery of his wife is 07.06.2017, which has not yet been responded to.

Mr. Rajesh Mahajan, learned Additional Standing Counsel has filed the status report which affirms the fact that the wife of the petitioner is in an advanced stage of pregnancy and is scheduled to deliver on 07.06.2017. The address of the petitioner has also been verified and is found to be true. The antecedent of the petitioner is also not bad except for the present conviction.

The petitioner was convicted under Section 393 of the IPC and was initially sentenced to undergo RI for 5 years, to pay a fine of Rs.10,000/- with a default clause. In appeal, the aforesaid sentence was reduced to 4 years.

The petitioner has remained in jail for about 3 years by now and his

conduct in jail has been satisfactory. The petitioner was released on parole from 31.01.2017 to 14.02.2017, but taking into account the fact that his wife is about to deliver, this court is inclined to release the petitioner on parole for a period of 3 weeks, coinciding with the date of delivery of his wife.

Let the petitioner be released on parole for a period of three 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 Territory 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.

MAY 30, 2017/ns

ASHUTOSH KUMAR, J