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

+ W.P.(CRL) 1656/2017

JAVED

..... Petitioner

Through: Ms. Aishwarya Rao, Adv.

versus

STATE

..... Respondent

Through: Mr. Sanjay Lao, ASC

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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05.07.2017

The petitioner had requested the competent authority for being released on parole for preferring the SLP before the Supreme Court of India. The same was rejected vide order dated 09.03.2017. The reason for not acceding to the request of the petitioner was that the petitioner had not served the minimum sentence of one year in prison to obtain the aforesaid concession.

The nominal roll of the petitioner discloses that his conduct has been satisfactory throughout. Out of sentence of two years, he has remained in jail for more than a year. Apart from that, this court has always felt the necessity of providing opportunity to any detenue/accused for preferring SLP. It is also true that SLP could be filed from the jail itself where necessary provision has been made for the same, but the right to file appeal would be rendered nugatory unless an accused is given the choice of his lawyer.

Taking into account the uniform good conduct of the petitioner and the nature of the accusation against him, this court is inclined to release the petitioner on parole for a specified period.

The petitioner shall be released on parole for a period of two weeks, to be counted from the date of his release, on his furnishing a bond in the sum of Rs.5,000/- with one surety of the 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 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.

ASHUTOSH KUMAR, J

JULY 05, 2017/ns