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

+ W.P.(CRL) 1621/2017

SHAMIM

..... Petitioner

Through: Mr.Azhar Qayum, Adv.

versus

STATE

..... Respondent

Through: Ms.Nandita Rao, ASC.
SI Janak Singh, P.S.NFC.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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26.05.2017

The petitioner is aggrieved by one of the conditions imposed by the competent authority while directing for his release on parole on 16.03.2017. The aforesaid condition is that the petitioner shall be released only after the surrender of any of the other co-accused who is on parole.

Learned counsel for the petitioner submits that out of five persons, only one, who was on parole, has jumped the bonds. The other co-accused persons are still in jail.

The petitioner in this connection submits that such a condition is too harsh and onerous as the petitioner does not have any control over the movement of a co-accused who is neither related to him nor is known to him so intimately that he could put any pressure on him to surrender.

The aforesaid condition imposed by the competent authority does not appear to be logical in as much as there are other accused persons of the

same case who are still in jail.

The nominal roll of the petitioner indicates that his conduct has been satisfactory throughout in the jail. The petitioner was earlier released on parole by the order of the competent authority from 10.05.2016 to 10.06.2016 which presupposes that his address had been verified. The petitioner has remained in jail for about 9 years by now.

Taking into account the aforesaid facts, the order of the competent authority is modified to the extent that the petitioner would be released on parole for one month, to be counted from the date of his release without there being any necessity of surrender of the co-accused who was on parole. The other conditions imposed by the competent authority shall remain in force.

The petition is allowed.

The order be communicated to the Superintendent of the concerned jail for compliance and record.

ASHUTOSH KUMAR, J

MAY 26, 2017

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