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

+ W.P.(CRL) 1736/2017

BAIJNATH MEHTO

..... Petitioner

Through: Mr. Rajender Chhabra & Mr. Nitin Kapoor,
Advocates.

versus

STATE

..... Respondent

Through: Mr. Piyush Singhal, Advocate for
Mr. Ashish Aggarwal, ASC for the State.
SI Tinku Shokeen, PS Punjabi Bagh.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **29.08.2017**

The petitioner has questioned the order dated 19.4.2017 passed by the competent authority whereby his request for being released on parole for arranging funds for his family and to re-establish social ties has been rejected in view of adverse police report and the presumption of the competent authority that there is a possibility of the petitioner committing similar offence.

Learned counsel for the petitioner has drawn the attention of this Court to the nominal roll which indicates that the petitioner has remained in jail for 6 ½ years by now. The petitioner has been convicted under Section 20 of the NDPS Act and has been sentenced to undergo RI for ten years, to pay a fine of Rs.1 lakh and in default of payment of fine, to further suffer RI for six months. The overall

conduct of the petitioner in jail has been satisfactory. It has also been pointed out by the learned counsel for the petitioner that earlier also, the petitioner was granted parole by the orders of this Court and every time that he came out of jail, nothing adverse was reported against him. He further submits that there is nothing on record to support the adverse report by the police or the presumption of the competent authority that the petitioner might jump the parole bond or commit similar nature of offence for which he has been convicted.

The other co-accused persons of the case are in jail.

The address of the petitioner has been verified.

Taking into account the aforesaid facts, this court is inclined to release the petitioner on parole for a specified period.

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.5,000/- (Rupees Five Thousand) with one surety of the like amount to the satisfaction of the Superintendent of the concerned Jail. The aforesaid order will be subject to the following conditions:-

- (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 informing 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.

AUGUST 29, 2017
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