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

+ W.P.(CRL) 1837/2017

MOTI KHAN

..... Petitioner

Through: Mr. S P Nangia for Mr. Krishan
Kumar, Advocate

versus

STATE

..... Respondent

Through: Mr. Jamal Akhtar, Standing Counsel
For the State.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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01.09.2017

The petitioner is aggrieved by the order dated 09.05.2017 passed by the competent authority, whereby the prayer of the petitioner for being released on parole for the purposes of searching a suitable match for his daughter, to repair his house and to maintain social ties with the family and relations has been rejected.

Learned counsel for the petitioner has drawn the attention of this Court to the nominal roll which indicates that the petitioner has been convicted under Sections 20(b)(ii)(C)/29 NDPS Act and has been sentenced to undergo rigorous imprisonment for 10 years; to pay a fine of Rs. 2 lacs and in case of default, to further suffer simple imprisonment for one year.

The petitioner has remained in jail for about eight years by now and the unexpired portion of the sentence is not more than two years.

The conduct of the petitioner in jail has been satisfactory throughout. It has been submitted on behalf of the petitioner that on an earlier occasion, the petitioner was granted parole for four weeks with effect from 06.10.2016 to 03.11.2016 by the order of the Delhi High Court. On that occasion, nothing adverse was reported against the petitioner and he surrendered before the jail authorities on time.

Mr. Jamal Akhtar learned Advocate appearing for the State, on the strength of the status report, submits that the address of the petitioner has been verified and found to be correct.

Taking into account the aforesaid facts, this Court is inclined to release the petitioner on parole for a period of four weeks.

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.5,000/- with one surety of the like amount to the satisfaction of the Superintendent of the concerned jail.

The petitioner shall, however, 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 officer-in-charge of the concerned police station.
- d) He shall furnish his and his sureties' 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.

Dasti.

ASHUTOSH KUMAR, J

SEPTEMBER 01, 2017/P