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

+ W.P.(CRL) 1869/2017

KAZEEM @ BUNTY

..... Petitioner

Through: Mr.Tarun Khanna, Advocate

versus

STATE

..... Respondent

Through: Mr.Jamal Akhtar, proxy counsel for
Mr.R.S.Kundu, ASC for the State
with SI Nipendra PS Madhu Vihar

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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20.07.2017

1. The present writ petition has been filed by the Petitioner from Jail praying for grant of parole for the purpose of filing SLP and reconnecting social ties with the family & society.
2. Status report on behalf of the State has been filed verifying the permanent address of the petitioner i.e. Pakhand Ke Neeche Wala Makan, Mohalla Hatim Sarai, Mohan Talab, Sambhal, U.P. to be correct.
3. Learned counsel for the Petitioner submits that the Petitioner had made representation to the Respondent/State praying for grant of parole which has been rejected by the Respondent vide order No.F.18/77/17/HG/2888 26th May, 2017.

4. Learned counsel for the Petitioner further submits that in terms of Parole/Furlough Guidelines-2010 issued by the Government of National Capital Territory of Delhi, it is open to the Government to consider the applications for grant of parole inter alia on various grounds which also includes the ground of filing of a Special Leave Petition before the Supreme Court of India against a judgment delivered by the High Court convicting or upholding the conviction, as the case may be. He further submits that in the present case also, the Petitioner is seeking parole for filing SLP before the Supreme Court which is covered by ground 9.7, therefore, the present Petitioner may be granted parole for the said purpose. The said guideline reads as under:-

“9.7 To pursue the filing of a Special Leave Petition before the Supreme Court of India against a judgment delivered by the High Court convicting or upholding the conviction, as the case may be.”

5. Learned counsel for the Petitioner further submits that the Petitioner undertakes to abide by any condition deemed fit by this Court while considering his prayer.

6. Nominal roll of the Petitioner has also been placed on record, perusal of which shows that the conduct of the Petitioner, during the period of incarceration, has been ‘Satisfactory’.

7. On behalf of the State, it has been submitted by learned proxy Counsel that appropriate order may be passed keeping in view Parole/Furlough Guidelines-2010 issued by the Government of National Capital Territory of Delhi.

8. Considering the facts and circumstances of the case and the fact that

the Petitioner is seeking parole for the purpose of filing SLP before the Supreme Court, which is permissible under the guidelines, the prayer for grant of parole is allowed and the Petitioner is granted parole for a period of four weeks from the date of his release to enable him to file SLP in the Hon'ble Supreme Court, on his furnishing personal bond in the sum of ₹10,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent and subject to the following conditions:-

(i) Since the petitioner is being granted parole for the twin purpose of filling SLP before the Hon'ble Supreme Court and re-establishing social ties and he is permanent resident of Pakhand Ke Neeche Wala Makan, Mohalla Hatim Sarai, Mohan Talab, Sambhal, U.P., the Petitioner shall keep the SHO/Duty Officer, P.S. Madhu Vihar, Delhi informed about his place of residence in Delhi as well as his place of residence in his native town and his contact numbers i.e. mobile, landline or both. He shall further inform the SHO/Duty Officer, P.S. Madhu Vihar, Delhi as to the period for which he shall be staying in his native town.

(ii) The Petitioner shall report on every Monday at 11 AM to the Duty Officer of the concerned Police Station/Police Post under the jurisdiction of which, the Petitioner shall stay during the period of parole in his native town.

(iii) The Petitioner shall submit proof of filing of the Special Leave Petition to the SHO, P.S. Madhu Vihar, Delhi with the name of counsel who filed the SLP.

(iv) While submitting the bail bond, he will furnish to the Jail Superintendent the address and the contact numbers of the place where he

would reside in Delhi and in his native town i.e Pakhand Ke Neeche Wala Makan, Mohalla Hatim Sarai, Mohan Talab, Sambhal, U.P., during the period of parole.

9. It is, however, made clear that on expiry of the parole period, the Petitioner shall surrender before the concerned Jail Superintendent, who shall submit the surrender report to this Court along with the particulars of the SLP filed by the Petitioner before the Supreme Court.

10. Writ Petition stands allowed in the above terms.

11. The Petitioner be informed through the Jail Superintendent about the order passed.

Order dasti.

PRATIBHA RANI, J.

JULY 20, 2017

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