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

+ W.P.(CRL) 3561/2016

HASIN @ CHIKU

..... Petitioner

Through: Mr.Jatin Rajput with Mr.Amit Raghav,
Advocates.

versus

STATE

..... Respondent

Through:Mr.Piyush Aggarwal, Advocate for
Mr.Ashish Aggarwal, ASC for R-1/State.
S.I.Ashok Kumar, P.S. H.Nizamuddin.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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01.05.2017

The prayer of the petitioner for being released on parole was rejected on 30th September, 2016 by the competent authority.

The petitioner being a history-sheeter and the probability of the petitioner committing crime in case he were to be released on parole, were the grounds which weighed with the competent authority for rejecting his prayer.

Learned counsel for the petitioner submits that he has to prefer SLP before the Supreme Court of India against the judgment and order of conviction.

The petitioner, presently lodged in jail in connection with his conviction under Sections 392/397 of the IPC where he has been sentenced to undergo RI for 7 years and out of the aforesaid period of 7 years, he has

remained in jail for 3 years 7 months and 18 days by now.

Learned counsel for the State points out the unsatisfactory jail conduct and his earlier conviction in two other cases but the status report reveals that in earlier cases in which the petitioner was made accused, he was either discharged or acquitted. There is nothing on record as to suggest that petitioner shall jump the bail in case he is released on parole.

Every convict has a right to file statutory appeal and such right would be rendered only a formality if he is not afforded his choice of the lawyer. Though the conduct of the petitioner has not been satisfactory, but taking into account that another co-accused is on bail, this Court is inclined to release the petitioner on parole for a specified period.

Let the petitioner be released on parole for a period of three weeks, to be counted from the date of his release, on his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the Superintendent of the concerned jail.

The petitioner shall be required to follow the conditions enumerated 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.
- 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

MAY 01, 2017
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