

\$~38

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

+ **W.P.(CRL) 1879/2017**

BABU

..... Petitioner

Through: Mr. Anwesh Madhukar with Mr.
Pranesh Misra, Adv.

versus

STATE

..... Respondent

Through: Mr. R.S. Kundu, ASC with Mr.
Peeyush Bhatia, Adv.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

%

04.08.2017

The petitioner was granted parole by order dated 16.03.2017 for four weeks but with the condition that he would be released only after the surrender of any one of the co-accused, who is on parole.

Mr.Anwesh Madhukar, learned counsel for the petitioner submits that the aforesaid condition is unnecessary and is onerous in the sense that it would be beyond the control of the petitioner to ensure that a co-accused, if on parole, surrenders on time. The whole purpose of grant of parole it has been urged, would stand frustrated if this condition is allowed to remain in the order.

There is no reason whatsoever for allowing such a condition to subsist in the order granting parole.

The prayer made in this writ petition is allowed.

The aforesaid condition in the order dated 16.03.2017 is waived.

The petitioner shall be released on parole for a period of four weeks

as indicated in the order dated 16.03.2017 and shall be subject to the same terms and conditions which have been indicated in the aforesaid order.

The order dated 16.03.2017 is modified to the extent indicated above.

The writ petition is disposed of accordingly.

ASHUTOSH KUMAR, J

AUGUST 04, 2017

ns