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

+ W.P.(CRL) 3574/2016

SURENDER Petitioner

Through: Mr.Azhar Dogra, Adv.

versus

STATE Respondent

Through: Mr.Piyush Singhal, Adv.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **15.05.2017**

The petitioner had represented before the competent authority for being released on parole for preferring SLP before the Supreme Court of India which was rejected vide order dated 07.11.2016, citing adverse police report and wrong address having been provided by the petitioner as grounds for rejecting the representation.

The petitioner has been convicted under Section 376 of the IPC and has been sentenced to undergo RI for 10 years, fine of Rs.5000/- and in default of payment of fine to further suffer SI for one month. Out of the aforesaid period of the sentence, the petitioner has already undergone about five years by now. It has further been submitted on behalf of the petitioner that his conduct in jail has been satisfactory. The petitioner has, till date, not been released on parole.

A detainee has to be afforded his right of defence and unless he has a choice of his own lawyer, the right of preferring statutory appeal would be rendered only a formality. There is nothing on record to justify the assessment of the competent authority that the release of the petitioner on parole would lead to adverse impact on society. Earlier, the address provided by the petitioner was not found to exist but now the address has been verified.

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.10,000/- with one surety of like amount to the satisfaction of the jail Superintendent.

The petitioner shall be required to follow the conditions listed below:-

- a) The petitioner shall surrender 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 Territory 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 15, 2017

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