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

+ W.P.(CRL) 3650/2016

JISAN @ BITTOO

..... Petitioner

Represented by: Mr. K. Singhal, Advocate.

versus

STATE NCT OF DELHI

..... Respondent

Represented by: Mr. Rahul Mehra, Standing
Counsel with Mr. Jamal
Akhtar, Advocate with
Inspector Rajeev Gunwant,
SHO and SI Pankaj, PS
Chandni Mahal..

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

03.01.2017

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1. By the present petition the petitioner seeks parole on the ground of marriage of his nephew Mohd. Shuaib, which is fixed for 6th January, 2017 and the marriage of his niece, that is, his real sister's daughter which is fixed for 9th February, 2017.

2. Yesterday, when the matter came up before this Court a status report was handed over by learned proxy counsel for the learned Standing Counsel for the State which was taken on record. In the status report it was noted that the petitioner was having six brothers and two sisters along with his parents in the family. Learned counsel for the petitioner on instructions pointed out that the facts stated in the status report were incorrect for the reason, five brothers and the parents of the petitioner had already died.

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Thus the matter was adjourned for today.

3. Learned Standing Counsel for the State has handed over a status report which is taken on record. As per the status report though nothing is stated about the parents it is revealed that the petitioners were eight brothers and four sisters out of which five brothers have died. It is further stated that the families of all the brothers are residing at property No. 1267, Gali Jamun Wali, Kala Mahal, Daryaganj, Delhi separately. Verifications with regard to the two marriages have also been done and it has also been verified that Mohd. Anwar, father of Mohd. Shuaib, who is getting married on 6th January, 2017, has since passed away.

4. Considering the fact that the petitioner had availed two furloughs and two paroles in the last year, the last being from 6th November, 2016 to 30th November, 2016, this Court asked learned counsel for the petitioner to point out which of the two marriages, the petitioner was required to attend/to perform the ceremonies. Learned counsel for the petitioner on instructions stated that his presence at the marriage of his nephew which is to take place on 6th January, 2017 was necessary.

5. Considering the fact that the factum of marriage of nephew of the petitioner has been verified and the petitioner was earlier granted paroles and furloughs which concessions he did not misuse, this Court deems it fit to grant parole to the petitioner for a period of one week from the date of his release on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount subject to the satisfaction of the Superintendent, Tihar Jail.

6. Before disposing of this petition, this Court would like to note that a
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status report giving incorrect facts, duly signed by SHO, PS Chandni Mahal was handed over on 2nd January, 2017. The status report firstly did not give complete facts and secondly facts stated therein were also incorrect. Today, a correct status report has been handed over, as per which on verification it has been found that five brothers of the petitioner have since died. The factum of the parents of the petitioner being alive or dead is still not mentioned in the status report.

7. For the sake of convenience of the State, the Court insists that status reports be filed as the same expedites the matter however, the status report filed under the signatures of Police Officers, is as good as an affidavit sworn on oath. It is unfortunate that incorrect facts are brought to the notice of the Court by way of status report.

8. Copy of the order be sent to the Commissioner of Police who will look into the matter and advise the officers that as and when status reports are filed, no facts are concealed and the facts stated therein are duly and properly verified.

9. Copy of the order of communicated to the petitioner through Superintendent, Tihar Jail and also be given dasti to the learned counsel for the petitioner.

10. Petition is disposed of.

MUKTA GUPTA, J.

JANUARY 03, 2017
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