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

+ W.P.(CRL.) 38/2017

NADEEM @ CHIKNA

..... Petitioner

Through Mr.Aditya Vikram, Adv. (DHCLSC)

versus

STATE

..... Respondent

Through Mr.Jamal Akhtar, Adv. for Mr.Rahul Mehra, Standing counsel.
SI Nishant Suran PS Gandhi Nagar.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **14.07.2017**

The petitioner is aggrieved by the order dated 09.11.2016 passed by the competent authority whereby his prayer for being released on parole for the purposes of taking care of his old parents and maintaining social ties has been rejected. The grounds assigned for the aforesaid rejection are that the reasons given by the petitioner are not genuine and there could be a possibility of law and order and security problem in the area in case he is released.

Learned counsel for the petitioner has drawn the attention of this Court to the nominal roll which suggests that the petitioner has remained in jail for about 7 years by now. He has been convicted under section 302/34 of the IPC and has been sentenced to RI for life and to pay a fine of Rs.1,000/- and in default of payment of fine, to suffer further SI for two months.

The jail conduct of the petitioner has been satisfactory for the last one year. Though the petitioner was punished for a jail offence on 30.04.2013 but thereafter, he was granted parole and furlough by this Court as well as by the competent authority.

There is nothing on record to suggest that his release on parole would cast an adverse impact on society or disturb the law and order situation.

The address of the petitioner stands verified.

This Court takes note of the fact that on such occasions when the petitioner was released on parole and furlough, no adverse report came against him for his having misused such concessions ever.

Taking into account the aforesaid facts, 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 four weeks, to be counted from the date of his release, on his furnishing a bond in the sum of Rs.5,000/- with one surety of the like amount to the satisfaction Superintendent of the concerned jail.

The petitioner shall abide by the conditions listed 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, without intimating the officer-in-charge of the concerned police station.
- d) He shall furnish his and his sureties' 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

JULY 14, 2017

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