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

+ W.P.(CRL) 2562/2017

MAHENDER

..... Petitioner

Through: Mr.Rajesh Samanotra, Adv.

versus

STATE GNCT OF DELHI

..... Respondent

Through: Mr.Ashish Negi, Adv. for

Ms.Richa Kapoor, ASC

SI Ramesh Kumar, P.S. Sultan Puri.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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31.10.2017

The petitioner seeks to challenge the order dated 28.08.2017 passed by the competent authority whereby his prayer for being released on parole for preferring SLP before Supreme Court of India and for re-establishing social ties, has been rejected on the ground that there could be a possibility of petitioner causing harm to the victim/witnesses and that he may jump the parole, if released.

Learned counsel appearing for the petitioner submits that no cogent reasons have been assigned by the competent authority for coming to such a conclusion.

On the contrary, learned counsel for the petitioner has indicated from the nominal roll that the petitioner has been convicted under Section 10 of POCSO and 363 of the IPC and has been sentenced to undergo RI for 5 years and RI for 1 year for the aforesaid offences respectively and has

remained in jail for more than 3½ years by now. Learned counsel for the petitioner has also drawn the attention of this Court to the fact that his conduct in jail has been satisfactory throughout. There is no reason why the competent authority has come to the conclusion that the petitioner might jump the parole when there was no occasion for the competent authority to have judged the conduct of the petitioner.

Mr. Negi, learned counsel for the State, on the strength of the status report, has submitted that the address of the petitioner has been verified and has been found to be existing.

Taking into account the aforesaid facts, specially his good conduct in jail for 3½ years, this Court is inclined to grant parole to the petitioner for four weeks.

The petitioner is directed to be released on parole for a period of 4 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 in the like amount to the satisfaction of the Superintendent of the concerned jail.

The petitioner shall, however, abide by the conditions listed below:-

- n) The petitioner shall surrender before the jail authorities on or before the expiry of the said period of parole.
- o) The petitioner shall not engage himself in any unlawful activity.
- p) 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.
- q) 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.

Dasti.

ASHUTOSH KUMAR, J

OCTOBER 31, 2017

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