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

+ W.P.(CRL) 2770/2017

GURUBAX SINGH

..... Petitioner

Through: Mr. Jayant K Sud, Sr. Adv with Ms.
Vaishali Soni & Mr. Manish Lamba,
Advocates.

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Ashish Negi, Advocate for Ms.
Richa Kapoor, ASC for State.
SI Jatan Singh, PS Anand Vihar.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

02.11.2017

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The request of the petitioner for being released on parole has been rejected by the competent authority by order dated 27.10.2017. The parole was requested by the petitioner for preferring SLP before the Supreme Court of India and for arraigning the finance for the same.

The competent authority was of the view that the SLP could be filed from the jail only, where free legal aid is available to the prisoners.

Learned counsel for the petitioner has submitted that he has been convicted under Section 279/304-A of IPC and has been sentenced to undergo R.I. for one year, to pay fine of Rs. 50,000/- and in default of payment of fine, to further suffer simple imprisonment for three months.

The petitioner has remained in jail for about three months by now.

Though, the guidelines concerning grant of parole and furlough of the year 2010, make it incumbent upon any prisoner to remain in jail for one year before availing of such concessions, but in the present case, since the conviction is only for one year, this court is inclined to grant parole for a specified period to the petitioner as the petitioner is required to prefer SLP before the Supreme Court of India.

The address of the petitioner has been verified and has found to be existing. The petitioner is a person of home and hearth and there is no likelihood of his fleeing from the course of justice.

Taking into account the aforesaid facts, 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 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 be required to follow the conditions enumerated below:-

- e) The petitioner shall surrender before the jail authorities on or before the expiry of the said period of parole.
- f) The petitioner shall not engage himself in any unlawful activity.
- g) The petitioner would not leave, under any circumstance, the National Capital Region of Delhi.
- h) 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

NOVEMBER 02, 2017
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