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

+ **W.P.(CRL) 2978/2017**

RISHI PAL

..... Petitioner

Through: Mr. S. K. Sethi, Advocate.

Versus

STATE

..... Respondent

Through: Mr. Rahul Mehra, Standing Counsel
(Crl.) and Mr. Jamal Akhtar,
Advocate.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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20.11.2017

This writ petition seeks release of the petitioner on parole for a period of three months to enable him to engage a counsel to file a Special Leave Petition (SLP) against his conviction before the Hon'ble Supreme Court of India as well as to arrange resources/finance for the proposed appeal and to re-establish social ties with family members and society.

According to the Status Report dated 20.11.2017 filed on behalf of the State, the address of the petitioner has been verified. The relevant portion of the said Report reads as under:-

“3. The address provided by the petitioner i.e. H. No.243, Khanpur Devli, New Delhi, got verified and found correct. During course of verification, it was revealed that Wife Namely Smt. Mukesh and two children Namely Sweta, Age-19 Yrs and Akash, Age-17 Yrs. Both the children are studying in Hamdard Public School and Sona Modern Public School respectively. However the elder daughter

Namely Kavita, Age -2 8 Yrs is already married. Wife of the petitioner earns her livelihood by renting out her 500 Yards Multistoried house at Khanpur Village, New Delhi. The family of the petitioner is financially sound. The family members of the accused capable of arranging competent counsel themselves.”

The said Report is taken on record.

The petitioner has been punished with a sentence of ten years' rigorous imprisonment. A perusal of the petitioner's Nominal Roll dated 26.09.2017 reveals that he has already been incarcerated for six years, six months and 26 days as on 26.09.2017 and his overall conduct in jail had been satisfactory.

A convict has a right to pursue his legal remedies and to seek parole for exercising such rights, for instance filing an SLP against his conviction. Furthermore, a person in long period of incarceration is entitled to parole in order to re-establish social and family ties and for his mental and physical wellbeing.

In view of the foregoing, the Court finds no impediment in allowing the present petition. Consequently, the petitioner is enlarged on parole for a period of four weeks from the date of his release on his furnishing a personal bond in the sum of Rs.15,000/- with one surety of the like amount to the satisfaction of the Jail Superintendent concerned, subject to the following conditions:-

- (1) the petitioner shall report to the SHO, Police Station Neb Sarai, Delhi, every Tuesday during the period of parole;
- (2) the petitioner shall furnish his mobile telephone number to the SHO which shall be kept operational at all times;

- (3) the petitioner shall not leave the territory of NCT of Delhi;
- (4) the proof of filing of an SLP or engaging/consulting a counsel for the said purpose shall be filed by the petitioner; and
- (5) the petitioner shall surrender before the jail authorities at the expiry of the period of parole.

With the above directions the petition is disposed off.

A copy of this order be given *dasti* to the learned counsel for the parties.

NAJMI WAZIRI, J.

NOVEMBER 20, 2017

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