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

+ W.P.(CRL) 3058/2017

JAVED ALI

..... Petitioner

Through: Mr. Anurag Jain, Advocate.

Versus

STATE (NCT OF DELHI)

..... Respondent

Through: Ms. Megha Bahl, Advocate for Mr. Avi Singh, ASC for State with SI Sandeep Kumar, P.S. Mandir Marg, New Delhi.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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16.11.2017

On the last date of hearing, it was recorded *inter alia*:-

“ This writ petition seeks release of the petitioner on parole for a period of one month to attend to his wife, who is stated to be a heart patient and requires immediate medical care. The Court is informed that the petitioner's wife is undergoing treatment at G. B. Pant Hospital, New Delhi, on the basis of a reference dated 24.10.2017 by the attending medical practitioner of M.M.G, Hospital, G.T. Road, Ghaziabad, U.P. The respondent-State has found the said referral slip to be genuine.

During 2011 to 2013 also, Smt. Farzana Begam, the petitioner's wife, was treated at Apollo Hospital, Sarita Vihar, New Delhi. She was admitted in the aforesaid hospital on 22.04.2013 for cardiac ailment and discharged on 02.05.2013. Her treatment documents attached to the petition, have been found to be genuine. The petitioner's address regarding his wife, who lives with his mother and three brothers, too has been found to be genuine.

The petitioner is a convict in FIR No. 212/2006, registered under Section 302 IPC read with Sections 25/27 Arms Act. He has been imprisoned for life and, according to the counsel for the petitioner, has already undergone imprisonment for over nine years as a prisoner. Earlier he was granted parole on 27.03.2017 for a period of one month. However, the fact when he surrendered before the Jail Authorities which time and did not misuse the liberty granted is yet to be ascertained.

In the circumstances, let petitioner's Nominal Roll be obtained from the Jail Superintendent concerned before the next date of hearing.”

Today, the nominal roll has been presented. It is taken on record. It shows that the petitioner was granted parole on four different occasions. i.e. thrice by this Court, firstly, for a period of one month, from 18.08.2015 to 18.09.2015, secondly for a period of four weeks from 25.05.2016 to 22.06.2016 and thereafter for a period of one month from 01.04.2017 to 01.05.2017. The DG (P) also granted parole/furlough to the petitioner for a period of three weeks from w.e.f. 24.08.2017 to 14.09.2017 and he has not misused the liberty granted to him.

In view of the circumstances obtaining, 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.10,000/- 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, concerned Police Station, Mandir Marg, New Delhi, once a week on every Tuesday during the period of parole.
- (2) The petitioner shall furnish to the SHO concerned his mobile

telephone number, which he undertakes to keep operational at all times,.

- (3) The petitioner shall not leave the territory of NCT of Delhi.
- (4) The petitioner shall surrender before the jail authorities at the expiry of the period of parole.

With the above directions the writ petition is disposed off.

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

NAJMI WAZIRI, J.

NOVEMBER 16, 2017

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