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

+ W.P.(CRL) 3193/2017

RAJ KUMAR

..... Petitioner

Through: Ms. Rakhi Dubey, Advocate.

versus

STATE

..... Respondent

Through: Ms. Richa Kapoor, ASC for State
with Insp. Shivilhorey, ATO/HNRS.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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17.11.2017

This petition seeks parole for filing of SLP before the Supreme Court of India against the said conviction dated 08.06.2017 he had moved an application for parole. He has been incarcerated for more than 7½ years out of 10 years. His application for parole was rejected on 10.10.2017 by the Government of National Capital Territory of Delhi on the ground that:-

“With reference to your office letter No.F.2/SCJ-2/CJ-2/2017/5916 dated 31.07.2017 on the above subject, I am directed to inform you that the request in respect of convict for grant of parole on the grounds to file SLP before the Hon’ble Supreme Court and to arrange funds for the same; to re-establish social ties with family member and society has been considered by the competent authority in the matter & rejected in view of the fact Delhi Police has reported that the convict is a habitual offender and dangerous to general public. Police has the apprehension that the convict may jump parole, if he is released on parole. Further, grounds for seeking parole are not compelling/ emergent as the convict can file SLP from jail itself where facility of free legal aid is available to prisoners.

The convict may be informed accordingly.”

A status report filed by the police today verifies the address of the

petitioner. However, it goes on to say that he is a habitual offender and would be dangerous to the public. He is likely to jump parole, if it is so granted.

It is for the Court to see that the petitioner's right as a convict to prefer an appeal to the Hon'ble Supreme Court, is not denied. He has been incarcerated for more than 7½ years and is entitled to avail his right in law. The Nominal Roll shows that the petitioner's conduct in the Jail has been satisfactory.

In view of the aforesaid circumstances, the petitioner is enlarged on parole for a period of four weeks from the date of his release on 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 of concerned Police Station of his place of residence in Bihar once in a week; during his visits to Delhi for the purpose of filing of SLP in the present case, he shall report once a week to the SHO, Hazrat Nizamuddin Railway Station;
- (2) the petitioner shall furnish his mobile telephone number, which he shall keep operational at all times, to the SHO concerned;
- (3) 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 the order be sent to the Jail Superintendent concerned, through the police also.

NAJMI WAZIRI, J

NOVEMBER 17, 2017

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