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

+ W.P.(CRL) 3216/2017

SURJEET @ BITTO Petitioner

Through Ms. Neha Kapoor, Adv.

versus

THE STATE GOVT OF NCT OF DELHI Respondent

Through Ms. Megha Bahl, Adv. for Mr. Avi Singh, ASC.

SI Kuldeep Singh, P.S. Model Town

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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20.11.2017

CRL. M.A. 18976/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 3216/2017

The status report has been filed by Ms. Megha Bhal.

Let it be taken on record.

The petitioner seeks parole for a limited period for the purposes of attending the last rites of his uncle, who is said to have expired on 11.11.2017.

Learned counsel appearing for the petitioner has stated that the request for grant of parole has been sent to the competent authority, through proper channel but it has not yet been acted upon. The “*Terahanvi*” of the

late uncle of the petitioner falls on 23.11.2017. It has also been submitted on behalf of the petitioner that he has remained in jail for about 20 years.

Ms. Megha Bahl, learned advocate, on the strength of the status report, has stated that the factum of the death of the uncle of the petitioner has been confirmed and has been found to be true. However, the petitioner has been involved in several criminal cases, the details of which have been provided in the status report. The report however, does not actually indicate as to whether the petitioner has been convicted in the aforesaid cases. Since the nominal roll is not available, this court is not aware about the conduct displayed by him in jail. But, according to the counsel for the petitioner, the petitioner has been recommended to be considered by SRB for his premature release from the jail in view of his satisfactory jail conduct.

Nonetheless, taking into account the urgency in the matter, this court is inclined to release the petitioner on parole for a period of 4 days, to be counted from the date of his release, which would coincide with the date on which the '*Terahanvi*' of the late uncle of the petitioner falls i.e. on 23.11.2017. While saying so, this court has taken into account the fact that the petitioner has remained in jail for about 20 years.

The petitioner shall be released on parole for a period of 4 days, to be counted from the date of his release, coinciding with the date of '*Terahanvi*' of the uncle of the petitioner, on his furnishing bond in the sum of Rs.10,000/- with one surety, who would be a close relative of the petitioner, of the like amount, to the satisfaction of the Superintendent of the concerned jail. The petitioner shall, however, be subject to the condition that immediately on or before the end of the period of parole, he shall surrender before the jail authorities. While furnishing bonds before the Superintendent

of the concerned jail, he shall tender his and his surety's mobile telephone numbers and those mobile telephones shall be kept in operative condition. The petitioner shall not involve himself in any unlawful activity.

Any breach/departure from the aforesaid conditions would render cancellation of parole granted to the petitioner straightway.

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

NOVEMBER 20, 2017

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