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

+ W.P.(CRL) 3206/2017

S K AGGARWAL

..... Petitioner

Through: Mr.Puneet Mittal, Sr.Advocate with
Ms.Vasudha Bajaj, Advocate

versus

THE STATE GOVT OF NCT OF DELHI & ORS Respondents

Through: Mr.Jamal Akhtar, Advocate for
Mr.Rahul Mehra, St.Counsel (Crl.)
for the State with SI Kuldeep PS
Bharat Nagar.
Mr.Nikhil Goel, Advocate for CBI**AND**

+ W.P.(CRL) 3251/2017

J P SHARMA

..... Petitioner

Through: Ms.Rakhi Dubey, Advocate

versus

STATE

..... Respondent

Through: Mr.Jamal Akhtar, Advocate for
Ms.Kamna Vohra, ASC for the State
with SI Kishan Lal PS Tilak Marg**CORAM:****HON'BLE MS. JUSTICE PRATIBHA RANI****ORDER**

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04.12.2017

1. These two writ have been filed on behalf of the petitioners/co-convicts seeking parole.
 2. Petitioner S.K.Aggarwal (in W.P.(Crl.) No.3206/2017) is seeking parole on the ground of filing SLP before the Supreme Court.
 3. Petitioner J.P.Sharma, (in W.P.(Crl.) No.3251/2017) is seeking parole on the ground of attending marriage of his grandson and also for
- W.P.(Crl.)Nos.3206/2017 & 3251/2017

maintaining social ties.

4. In both the petitions, status reports have been filed by the State verifying the address of the Petitioners to be correct. Factum of marriage of grandson of petitioner J.P. Sharma to be solemnised on 9th December, 2017 has also been verified.

5. Learned counsel for Petitioner S.K. Aggarwal submits that in terms of Parole/Furlough Guidelines-2010 issued by the Government of National Capital Territory of Delhi, it is open to the Government to consider the applications for grant of parole inter alia on various grounds which also includes the ground of filing of a Special Leave Petition before the Supreme Court of India against a judgment delivered by the High Court convicting or upholding the conviction, as the case may be. He further submits that in the present case also, the petitioner S.K. Aggarwal is seeking parole for filing SLP before the Supreme Court which is covered by ground 9.7, therefore, the petitioner may be granted parole for the said purpose. The said guideline reads as under:-

"9.7 To pursue the filing of a Special Leave Petition before the Supreme Court of India against a judgment delivered by the High Court convicting or upholding the conviction, as the case may be."

6. Learned counsel for petitioner J.P. Sharma submits that the petitioner is seeking parole for two purposes i.e. to attend the marriage of Mr. Shashank – the eldest grandson of the petitioner which is to be solemnized on 9th December, 2017 and for maintaining social ties. He further submits that being the grandfather, his presence in the marriage of his grandson would be required hence prayer of the petitioner may be allowed.

7. Learned counsel for the Petitioners further submit that the Petitioners

4

undertake to abide by any condition deemed fit by this Court while considering their prayer.

8. Nominal rolls of both the Petitioners have also been placed on record, perusal of which shows that the jail conduct of the Petitioners during the period of incarceration has been 'Satisfactory'.

9. On behalf of the State/CBI, it has been submitted that both the petitioners have been convicted in case RC No.16(A)/2001 PS ACB/CBI and in view of Parole/Furlough Guidelines-2010 issued by the Government of National Capital Territory of Delhi, they cannot be released on parole simultaneously. The relevant para of the said guideline reads as under:-

"13. If there are more than one convicts in a case who are lodged in the same prison, the co-accused convicts would not be released simultaneously except upon special circumstances to be mentioned in the order granting parole."

10. Considering the facts and circumstances of the case and the grounds for which the petitioners are seeking parole, the prayer for grant of parole is allowed **subject to compliance** of above guideline. Both the writ petitions are allowed to the extent that the Petitioners are granted parole for a period of four weeks from the date of their release to enable them to file SLP in the Hon'ble Supreme Court, on their furnishing personal bond in the sum of Rs.15,000/- each with one surety of the like amount to the satisfaction of the concerned Jail Superintendent and subject to the following conditions:-

(i) **The Jail Superintendent shall ensure that the above guideline in respect of co-convicts shall be strictly complied with.**

(ii) During the period of parole, the Petitioner, so released, shall report to the Duty Officer, ACB/CBI, Delhi on every Monday at 10 AM.

9

(iii) The Petitioner, so released, shall keep the Duty Officer, ACB/CBI, Delhi informed about his place of residence in Delhi and his contact numbers i.e. mobile, landline or both. It would be open to the concerned SIO to verify the address and the contact numbers and to seek cancellation of parole in case it is found to be incorrect.

(iv) During the period of parole, the Petitioner, so released, shall not cross the border and shall not try to contact the complainant/witnesses in any manner whatsoever.

(v) The petitioner S.K.Aggarwal, shall submit proof of filing of the Special Leave Petition to the Duty Officer, ACB/CBI, Delhi with the name of counsel who filed the SLP.

(vi) While submitting the bail bond, the Petitioner, so released, will furnish to the Jail Superintendent, address where he would reside in Delhi during the period of parole.

11. It is, however, made clear that on expiry of the parole period of four weeks, the Petitioner, so released, shall surrender before the concerned Jail Superintendent, who shall submit the surrender report to this Court as well as the particulars of the SLP filed by the petitioner S.K.Aggarwal before the Supreme Court.

12. Writ Petitions stand allowed in the above terms.

13. The Petitioners be informed through the Jail Superintendent about the order passed.

14. **It is directed that first petitioner J.P.Sharma shall avail the parole and only after his surrender, petitioner S.K.Aggarwal shall be released on parole.**

15. **It is made clear that if any of other co-convict is on parole/**

6

furlough, this order shall come in operation only after surrender of the said co-convict.

16. As prayed, copy of the order be given dasti to learned counsel for the parties.


PRATIBHA RANI, J.

DECEMBER 04, 2017

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