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

+ W.P.(CRL) 1152/2018

BHUPENDER SINGH

..... Petitioner

Represented by: Mr.Sunil Kumar and Mr.Tarun
Khanna, Advocates

versus

STATE & ORS.

..... Respondent

Represented by: Ms.Kamna Vohra, ASC for the State
with SI Sandeep, PS S.J.Enclave
Mr.Varun Rai Sharma, Advocate for
R-2 and R-3 with R-2 and R-3 in
person

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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25.07.2018

1. By this petition, the petitioner seeks parole as also challenges the impugned order dated 30th January, 2018 whereby the parole granted to the petitioner for a period of 2 weeks vide order dated 23rd January, 2018 was kept in abeyance till further orders.

2. The brief background. The petitioner was granted furlough by this Court with effect from 31st March, 2017 to 29th April, 2017 in W.P.(Crl.) No.690/2017. In the said writ petition, an application being Crl.M.A.No.6258/2017 was filed by the wife and the daughter of the petitioner seeking cancellation of the order dated 27th March, 2017. The ground taken for cancellation was that during the period of furlough, the

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petitioner threatened the daughter on telephone. After hearing both the parties, this Court noted that the allegations against the petitioner call for a deeper probe and sought for a report and called the ACP concerned in Court. In the meantime, the Court observed that it would not be proper to allow the petitioner to remain on parole while the petition and the application were being inquired. Thus the order dated 27th March, 2017 releasing the petitioner on parole was suspended and the petitioner surrendered to custody. Further the petitioner also concealed the order dated 8th August, 2016 passed by this Court in W.P.(Crl.) No.2316/2016 where there was a clear direction given that as and when respondent No.5 i.e. the petitioner herein applies for parole, the petitioners in the writ petition i.e. his wife and daughter would be given sufficient notice before consideration of the application.

3. Though the wife and daughter of the petitioner have been impleaded as respondent Nos.2 and 3 in the present petition however no steps were taken by the petitioner to serve the said respondents. Learned counsel for respondent Nos.2 and 3 along with respondent Nos.2 and 3 is present in Court on information received from Superintendent, Tihar Jail.

4. The allegations against the petitioner are of killing his son by stab injuries. Petitioner seeks parole on the ground that he has to re-establish social ties. During course of arguments, learned counsel further states that the petitioner has to file a divorce petition and also wants to file a civil suit in respect of his properties. As noted above, the wife and the daughter of the petitioner are apprehensive of the petitioner coming out. Thus, there is no question of re-establishing any social ties with the wife and daughter of the

petitioner.

5. Learned counsel for the petitioner states that in the family of the petitioner besides his wife and daughter there is one sister and brother-in-law i.e. husband of the sister. Respondent Nos.2 and 3 who are present in Court states that the petitioner has no real sister but a cousin sister. Since there is no family of the petitioner who would like to associate with the petitioner, no case for grant of parole on the ground that the petitioner has to re-establish social ties is made out. As regards filing of the civil suit in respect of property as also seeking divorce is concerned, learned counsel for respondent Nos.2 and 3 have pointed out to the communications of the Delhi Legal Service Authority dated 21st July, 2017 and 27th October, 2017 whereby the Delhi Legal Services Authority is in continuous touch/conversation with the petitioner and has provided a legal aid counsel to the petitioner.

6. Thus, this Court finds no ground to grant parole/furlough to the petitioner on the ground of re-establishing social ties or filing petitions.

7. Petition is dismissed.

8. Copy of this order be communicated to the petitioner through Superintendent, Central Jail Tihar.

MUKTA GUPTA, J.

JULY 25, 2018

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