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

+ **W.P.(CRL) 1881/2017**

DHARMENDER KUMAR PASWAN

..... Petitioner

Represented by: Mr. Nitish Chaudhary, Adv. for
Mr. Chetan Lokur, Adv.
DHCLSC.

versus

STATE

..... Respondent

Represented by: Mr. Rahul Mehra, Standing
Counsel with Mr. Jamal
Akhtar, Mr. Prashant Singh,
Advts. with SI Mool Chand PS
Okhla.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

16.02.2018

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By this petition the petitioner seeks parole on the ground that he has to file a Special Leave Petition before the Hon'ble Supreme Court.

On a notice being issued a status report was filed by the State as per which verifications were conducted at the native village of the petitioner where his family was found residing. The family of the petitioner comprises of his parents and two brothers. The father of the petitioner Shri Ram Bachchan Paswan was emphatic that his two sons Jitender and Dharamvir were taking care of him and his wife and that he does not want to see or maintain ties with his son Dharmender i.e. petitioner herein. Statement of Smt. Sharda Devi the mother of the petitioner was also recorded in this regard.

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Since the situation being such where the petitioner's family does not want to meet him, this Court had asked for the production warrants of the petitioner who appeared before this Court on 21st December, 2017. A friend of the petitioner namely Satish Chander Gupta was also present.

A further status report has been filed verifying the address of Satish Chander Gupta who had been residing at L-7, Top Floor, Green Park Market, Green Park Extn. for the last 20 years and plying an e-rickshaw. In his statement Satish Chander Gupta has claimed that he is a friend of the petitioner, however it is not certain as to how Satish Chander Gupta will be able to ascertain control over the petitioner so that he surrenders after the grant of parole. Since family members of the petitioner do not want to maintain social ties with him, the only ground for which the parole is required to be considered is filing of the Special Leave Petition.

In the circumstances as noted above, this Court deems fit that legal aid be provided to the petitioner in jail so that he can file special leave petition through legal aid. Superintendent Tihar Jail is directed to ensure that adequate legal aid is provided to the petitioner to prefer the SLP against the judgment of this Court upholding the conviction and order on sentence.

Consequently, the present petition seeking parole for filing the special leave petition and maintaining social ties is dismissed.

Copy of this order be communicated to the Superintendent Tihar Jail and petitioner through Superintendent Tihar Jail.

MUKTA GUPTA, J.

FEBRUARY 16, 2018

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