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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2940/2018, CRL.M.A. 33050/2018**
KAMAL KUMAR Petitioner

Through: Mr. D.K. Sharma, Advocate.

versus

THE STATE (NCT OF DELHI) & ORS Respondents

Through: Mr. Rajesh Mahajan, ASC for State
alongwith Mr. Ashish Aggarwal,
Advocate with ASI Mahender Singh,
PS-Nand Nagri.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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27.09.2018

The petitioner seeks parole for filing an SLP against his conviction as well as to get admission of his minor children in school and to arrange funds for the same.

The parole was not granted by the State because the petitioner has not served a minimum period of one year imprisonment, as mentioned in para 11 of Parole/Furlough Guidelines 2010.

The Court is of the view that the said guidelines cannot prejudice the constitutional right of the petitioner, to file a petition before the highest court, to seek his acquittal against conviction.

The learned counsel submits that the address mentioned in the petition is the same as was mentioned in the application before the State, which

declined him parole by the order dated 17.07.2018. He submits that the address stands duly verified.

In view of the above, the Court finds no impediment in allowing the present petition. Consequently, the petitioner is granted parole for a period of four weeks from the date of his release on his 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, concerned Police Station, Nand Nagri, once a week, on every Tuesday during the period of parole.
- (2) He shall furnish his telephone number to the SHO concerned, which the petitioner shall keep operational at all times
- (3) He shall not leave the territory of NCT of Delhi.
- (4) The petitioner shall surrender before the jail authorities at the expiry of the period of parole.

A copy of this order be given *dasti* to the learned counsel for the parties under the signature of the Court Master. Additionally, a copy of this order be also delivered upon the Jail Superintendent concerned through the State.

With the above directions the Writ Petition is disposed-off.

NAJMI WAZIRI, J

SEPTEMBER 27, 2018

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