

\$~40

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

+ **W.P.(CRL) 3768/2018**

SADAAB @ SHAMSHAD Petitioner
Through: Mr. Tahir Ashraf Siddiqui, Advocate.

Versus

STATE Respondent
Through: Mr. Rahul Mehra, Standing Counsel for
State and Mr. Jamal Akhtar, Advocate with
SI Maneesh, P.S. Anand Vihar.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

%

12.12.2018

The petitioner seeks parole to maintain social ties and to reunite with his family and society. His request was declined by the State by an order dated 17.10.2018 on the ground that his conduct in jail was stated to be unsatisfactory since he possessed a mobile phone on 24.10.2017. More than a year has gone by since and nothing adverse is reported for the last one year, therefore, the said conduct would not be an obstacle for the State in grant of the parole. Furthermore, despite the petitioner's so-called unsatisfactory conduct reported in jail, he had already been granted parole for four weeks by this Court's order, earlier this year. The State ought to have taken into consideration this aspect while declining parole to the petitioner on 17.10.2018.

The petitioner is undergoing imprisonment of 7 years, of which he has spent 5 years, 3 months and 16 days and has earned a remission of 1 year, 2 months and 3 days as per the Nominal Roll dated 27.11.2018.

In the circumstances, 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.10,000/- 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 Anand Vihar, Delhi, 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.

With the above directions, the writ petition stands disposed-off.

A copy of this order be given *dasti* to the learned counsel for the parties and a copy be sent to the Jail Superintendent concerned, for compliance.

NAJMI WAZIRI, J.

DECEMBER 12, 2018

sb