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

+ **W.P.(CRL) 3469/2017**

ZIA-UL-HAQ

..... Petitioner

Represented by: Mr. Neeraj Bhardwaj and Ms.
Pooja, Advocates.

versus

STATE

..... Respondent

Represented by: Ms. Kamna Vohra, ASC with
SI Vipin Kumar, PS
Kalyanpuri.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

09.08.2018

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1. By this petition, the petitioner seeks grant of parole for filing Special Leave Petition and maintaining social ties and also challenges the order dated 20th November, 2017 whereby his application for parole was rejected on the ground that one of the co-accused, namely, Abdul Karim, son of Abdul Sattar is absconding and there is no compelling reason for filing of the SLP as the same can be filed from the Jail.

2. A perusal of the status report reveals that the petitioner has eight brothers out of which two are co-convicts with him, namely, Mohd. Wazir and Abdul Karim. As per the status report besides the families of the eight brothers, the petitioner's family comprises of his wife and four children i.e. two sons and two daughters. The elder daughter of the petitioner aged 21 years and married. Younger daughter aged 8 years is studying in 3rd class.

3. During the pendency of hearing of the appeal Abdul Karim

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absconded and has been declared proclaimed offender by Learned Sessions Judge on 16th May, 2018.

4. Learned counsel for the petitioner submits that Mohd. Wazir, the co-convict and other brother of the petitioner, was also declined parole, however, this Court granted parole to Mohd. Wazir who has since surrendered to custody.

5. Learned ASC for the State submits that Mohd. Wazir has since surrendered after the expiry of period of parole. Considering the fact that though the co-convict, Abdul Karim has been declared proclaimed offender and the other brother of the petitioner who was undergoing sentence with him, namely, Mohd. Wazir was granted parole and he surrendered in time, this Court deems it fit to grant parole to the petitioner.

6. It is, therefore, directed that the petitioner be released on parole for a period of four weeks on his furnishing a personal bond in the sum of ₹25,000/- with one surety bond of the like amount, subject to the satisfaction of the learned Trial Court/CMM concerned, further subject to the condition that the petitioner will give the mobile number of his surety and one of his family members which will be kept in active mode so that the petitioner can be contacted during the period of parole, if required.

7. Petition is disposed of.

8. A copy of this order be communicated to the petitioner through Superintendent, Tihar Jail.

MUKTA GUPTA, J.

**AUGUST 09, 2018/‘yo’
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