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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 755/2019
RAGHBIR SINGH Petitioner
Through: Mr. Surya Rao, Advocate

versus

STATE Respondent
Through: Mr. Jamal Akhtar, Advocate for Mr. Rahul Mehra, Standing Counsel (Crl.) with SI Vinod Kumar, PS-Narela.

CORAM:
HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER
% **11.04.2019**

The present petition has been filed by the petitioner *inter alia* praying for issuance of writ of mandamus granting parole to him for a period of two months to enable him to file a Special Leave Petition before the Hon'ble Supreme Court of India; re-connect social ties with the family and society; arrange fund for his family and legal expenses.

Status report has been filed by the State.

The petitioner filed an application No. F.2/SCJ-2/CJ-2/2018/9296 dated 15.10.2018 praying the respondent to grant him two months parole to file Special Leave Petition before the Hon'ble Supreme Court, which was rejected by the Competent Authority vide its order dated 14.11.2018 observing that "The convict remained on bail w.e.f. 24.04.2004 to 15.08.2018 and readmitted in the month of August, 2018 after availing long bail."

Perusal of the nominal roll of the petitioner shows that he is undergoing a Life Imprisonment for offence under Section 302/323/325/34 of Indian Penal Code, 1860 (IPC) in case FIR No.561/1998 registered at Police Station-Bawana, Delhi.

The petitioner has already undergone 06 years and 08 days of incarceration and also earned remission of 3 months and 29 days as on 10.04.2019. The jail conduct of the petitioner has been found to be satisfactory.

The appeal preferred by the petitioner was dismissed vide order dated 09.08.2018 of this Court.

The status report has been filed by the State wherein it has been reported that :

“During the verification of the address provided by the petitioner, it has been found that family of the petitioner is not residing at the address given in the petition i.e. H No. 780, Bawana, Delhi and at present they are residing at Petrol Pump Wali Gali, Mohalla Mandan, Bawana, Delhi in their own house which is located near to the earlier address i.e. H. No. 780, Bawana, Delhi. No house number has been given at the said address as per the brother of the petitioner and this house is situated adjacent to H. No. 789 and in front of H. No. 1082 of Mohalla Mandan, Bawana, where Petitioner’s wife along with one daughter namely Kumkum aged 14 years, unmarried brother Sunil aged 34 years, and wife of accused Om Prakash along with two sons reside. Wife of the petitioner is a home maker and brother Sunil is a farmer.”

Keeping in view the facts and circumstances of the case, the present petition is allowed. The petitioner is directed to be released on parole for a period of **one month**, subject to :

- i) his furnishing personal bond with one local surety in the sum of Rs.25,000/- to the satisfaction of the Jail Superintendent;
- ii) he shall report at the local police station to mark his attendance on every Friday at 11:00 a.m. wduring the period of parole;
- iii) he shall duly surrender at the end of the period of parole;

- iv) at the time of his surrender, he shall submit proof of filing the Special Leave Petition before the Supreme Court, to the Jail Superintendent;
- v) he shall provide his mobile phone number to the Jail Superintendent at the time of his release, which shall be kept in working condition at all times. The same shall not be changed without prior intimation to the Jail Superintendent;
- vi) he shall also not indulge in any criminal activity during the period of parole.

Copy of this order be given dasti, as prayed.

A copy of this order be communicated to the Jail Superintendent concerned.

SANGITA DHINGRA SEHGAL, J

APRIL 11, 2019

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