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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 3946/2018

SALAUDDIN @ NUROO

..... Petitioner

Through: Mr. Harsh Prabhakar, Mr. Anirudh Tanwar
and Ms. Shikha Garg, Advocates.

Versus

STATE

..... Respondent

Through: Mr. Sanjay Lao, Additional Standing
Counsel for State with Mr. Siddarth Sindhu,
Advocate with SI Jasmer Singh, P.S.
Jahangirpuri.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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22.01.2019

The petitioner seeks parole for three months for filing a Special Leave Petition in exercise of his constitutional right to seek acquittal against the conviction in case bearing FIR No.407/16, registered under section 302/34 IPC at Police Station Jahangir Puri, Delhi. His address in Delhi has been verified by the Police as well as of his cousin, namely, Ahir son of Mr. Hanif Mohd, who has agreed that the petitioner can stay at his residence during the period of parole. The petitioner is incarcerated only for this case. His conduct in jail is stated to be unsatisfactory because of an assault on another inmate on 7th and 10th February, 2018.

It is the petitioner's case that he will be the best person to choose, brief and assist a counsel to file and present his case before the Supreme Court as he would be best equipped to instruct the said counsel since he is best aware of the facts and circumstances of his case. He also has to make

arrangements of funds for pursuing the same. Parole is also sought for the sake of maintaining family and social ties and to combat depression due to incarceration for almost two years and four months.

Mr. Lao, the learned Standing Counsel for the petitioner, submits that the petitioner has been involved in about 10 cases. However, the Status Report shows that of the 10 cases, the petitioner has been convicted in three cases; in one case, the period of punishment has been duly undergone; in five cases he has been acquitted of the charges and in one case, he is under trial. This case is the tenth case. Whether the petitioner's punishment in three other cases stands undergone, is yet to be ascertained.

Be that as it may, insofar as the petitioner seeks to exercise his constitutional right, the Court finds no impediment in allowing the present petition, however, subject to him getting due permission in the other pending matters. Accordingly, the petitioner is granted parole for a period of two weeks effective from 11th February, 2019, 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 Jahangirpuri, Delhi, every day 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 under signature of the Court Master and a copy be sent to the Jail Superintendent concerned, for compliance.

NAJMI WAZIRI, J.

JANUARY 22, 2019

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