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

+ **W.P.(CRL) 1715/2024**

UVESH

.....Petitioner

Through: Mr. Biswajit Kumar Patra,
Mr. Prakash Singh Rana &
Mr. Vaibhav Jain,
Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Nandita Rao, ASC for
the State-CRL for the
State with Mr. Amit
Peswani, Advocate.
SI Gaurav Singh (P.S.
Kamla Market).

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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25.07.2024

1. The present petition is filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, seeking parole for a period of three months, in FIR No. 116/2012, registered at police station Kamla Market, for offences under Sections 302/394/397/120B/34 of the Indian Penal Code, 1860 & Sections 25/27 of the Arms Act, 1959.
2. The criminal appeal filed by the petitioner challenging the order of conviction and sentence was dismissed by this Court by order dated 12.10.2022. The said order has not been challenged yet.
3. The learned counsel for the petitioner submits that the



petitioner now seeks to file a Special Leave Petition challenging the said order dated 12.10.2022, before the Hon'ble Apex Court and in order to find a counsel of his choice and to establish social ties in society with family members, is entitled for grant of parole.

4. He submits that merely because the petitioner on an earlier occasion when released on parole on the similar ground had not filed any petition before the Hon'ble Apex Court, cannot be a reason to refuse the application for parole.

5. He submits that every convict has the right to challenge the order of conviction and only because he has not availed of that right on an earlier occasion cannot be a ground to state that such right cannot be availed at a later stage.

6. The petitioner is admittedly in custody since the year 2012. It is not disputed that the petitioner is otherwise entitled for grant of parole.

7. In view of the above, this Court considers it apposite to allow the present petition. The petitioner is directed to be released on parole for a period of four weeks, from the date of his release, on furnishing a personal bond for a sum of ₹10,000/- with two sureties of the like amount, one of whom shall be in the blood relation of the petitioner, subject to the satisfaction of the concerned Jail Superintendent on the following conditions:

- a. The petitioner shall furnish proof of his residence, at the time of his release, before the concerned Jail Superintendent, and shall not change the same without prior intimation to the concerned Jail Superintendent;
- b. The petitioner shall furnish his mobile number to the concerned Jail Superintendent as well as to



- the SHO of the concerned Police Station on which he can be contacted if required. The said mobile number shall be kept active and operational at all times by the petitioner;
- c. The petitioner shall not indulge in any criminal activity during the period of parole;
 - d. Immediately upon the expiry of period of parole, the petitioner shall surrender before the concerned Jail Superintendent;
 - e. During this period, the other co-accused persons will not be released on parole/furlough.
8. The period of parole shall commence from the date of actual release of petitioner.
9. The present petition is allowed in the aforesaid terms.
10. A copy of this order be sent to the Jail Superintendent for information and necessary compliance.

AMIT MAHAJAN, J

JULY 25, 2024

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