

Mohinder Sharma Vs. State

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Court : Delhi

Decided On : Jul-29-2013

Judge : Sunita Gupta

Appellant : Mohinder Sharma

Respondent : State

Judgement :

\$~ * IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(CRL) 1004/2013
Date of Decision:

29. h July, 2013 MOHINDER SHARMA Through Petitioner Ms. Nikita Sharma, Advocate versus STATE Through Respondent Mr. Saleem Ahmed, ASC for State with Mr. Hemant Kumar, Advocate and SI Vijay, P.S Subhash Place. CORAM: HONBLE MS. JUSTICE SUNITA GUPTA JUDGMENT : SUNITA GUPTA, J.

1. This is a petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C filed on behalf of the petitioner seeking parole for a period of three months on the ground for filing of SLP before the Honble Supreme Court and to re-establish social ties with family members.

2. Learned counsel for the petitioner submits that the petitioner intends to file an SLP before the Supreme Court against the order of this Court. Apart from this, the petitioner wants to re-establish social ties with family members. Learned counsel

for the petitioner submits that the petitioner will not misuse the liberty of parole and the purpose of his getting parole is only to file SLP before Supreme Court. He further submits that in terms of Parole/Furlough Guidelines-2010 issued by the Government of National Capital Territory of Delhi, it is open to the Government to consider the applications for grant of parole inter alia on various grounds which also includes the ground of filing of a Special Leave Petition before the Supreme Court of India against a judgment delivered by the High Court convicting or upholding the conviction, as the case may be. Counsel submits that in the present case also, the petitioner is seeking parole for filing SLP before the Supreme Court which is covered by ground 9.7, therefore, the present petitioner may be granted parole for the said purpose. The said guideline reads as under: 9.7 To pursue the filing of a Special Leave Petition before the Supreme Court of India against a judgment delivered by the High Court convicting or upholding the conviction, as the case may be.

3. Status report has been filed by the State where the prayer is opposed by the State. It has been submitted that the address given by the applicant has been verified and found that applicants father along with his younger brother lived at the given address on rent. However, the petitioner never resided on the given address. He does not have any permanent address in Delhi. The applicants father and younger brother has been living at the given address for the last 3-4 years and prior to that they had been living in Budhpur, Delhi and Azadpur. In this regard it was submitted by learned counsel for the petitioner that the premises at Azadpur and Budhpur were tenanted premises and thereafter his father and brother shifted to Siraspur village, Delhi. Since the petitioner is in custody, therefore, there was no question of his residing at Siraspur village.

4. Considering the facts and circumstances of the case and the fact that the petitioner is seeking parole for the purpose of filing SLP before the Supreme Court, which is permissible under the guidelines, the prayer for grant of parole is allowed and the petitioner is granted parole for a period of one month from the date of his release to enable him to file SLP in the Supreme Court, on his furnishing personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent and subject to the

following conditions:(i) During the period of parole, the petitioner shall report to the Duty Officer, P.S. Samaypur Badli on every Saturday at 10 AM. (ii) The petitioner shall keep the SHO, P.S. Samaypur Badli, Delhi informed about his place of residence in Delhi and his contact numbers i.e. mobile, landline or both. (iii) During the period of parole, the petitioner shall remain in Delhi and he shall not cross the border/limits of NCT of Delhi.

5. It is, however, made clear that on expiry of the parole period of one month, the petitioner shall surrender before the concerned Jail Superintendent, who shall submit the surrender report to this Court alongwith the particulars of the SLP filed by the petitioner before the Supreme Court.

6. Petition stands disposed of accordingly. Dasti. SUNITA GUPTA (JUDGE) JULY 29 2013 as

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