
(2010) 12 DEL CK 0376

In the Delhi High Court

Case No : Writ Petition (Criminal) 1330 of 2010

Vijender @ Biddi

APPELLANT

Vs

The State of NCT of Delhi

RESPONDENT

Date of Decision : 10-12-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 201, 302, 34, 364

Citation : (2010) 12 DEL CK 0376

Hon'ble Judges : Hima Kohli, J

Bench : Single Bench

Advocate : Sumer Sethi and Ajay Raghav, for the Appellant; Ranjit Kapoor, ASC and Asim, for the Respondent

Final Decision : Disposed Off

Judgement

Hima Kohli, J.—The present writ petition is filed by the Petitioner under Article 226 of the Constitution of India read with Section 482 Code of Criminal Procedure praying inter alia for grant of parole for a period of 3 months for the purpose of filing a SLP before the Hon'ble Supreme Court of India, against the judgment dated 7.12.2009 passed by the High Court, dismissing Criminal Appeal No. 563/2008 and for maintaining social relations with his family members. The Petitioner has been sentenced to rigorous imprisonment for life by the Learned ASJ in FIR No. 986/2000 registered at PS Uttam Nagar, under Sections 302/364/201/34 IPC.

2. The counsel for the Petitioner states that the order dated 24.06.2010 passed by the Govt. of NCT of Delhi, rejecting the application of the Petitioner for grant of parole may be set aside. A perusal of the order of rejection shows that parole has been denied to the Petitioner on the grounds that his jail conduct has been unsatisfactory in the past one year and that the jail superintendent has not recommended his parole.

3. The nominal roll of the Petitioner is placed on record. As per the said nominal

roll, against a quantum of sentence of life imprisonment and a fine of `6,000/- in default thereof, simple imprisonment for seven months, the Petitioner has already undergone a sentence of nine years and eight months as on 17.07.2010 and earned remission for two months and twenty five days. In other words, as on date, the Petitioner has undergone conviction for just over 10 years.

4. A status report is filed by the SHO of the area, which shows that verification of the application of the Petitioner was carried out by the police authorities. The report states that the father of the Petitioner works in a private factory, but is not in a position to file a SLP in the Supreme Court on his behalf.

5. The learned ASC for the State has argued against the grant of parole to the Petitioner on the ground that Petitioner is involved in two other criminal cases and further, he has been punished for his conduct in the last one year while in jail. However, the counsel for the Petitioner states that the Petitioner has previously been granted bail for two weeks, on the occasion of his sister's marriage, and at that time he had surrendered within the stipulated time and did not misuse the liberty granted to him, hence parole may not be denied to the Petitioner.

6. The ground taken by the Petitioner for grant of parole in the present petition is filing of SLP against the judgment of the High Court in Crl. Appeal No. 563/2008. The right of a citizen to effectively pursue his legal remedy in the last court of justice in the country by filing a SLP is a valuable right, which cannot be withdrawn merely on the basis of the past conduct of the Petitioner, hence parole should not be denied.

7. In this view of the matter, the present petition is allowed. The Petitioner is granted parole for a period of four weeks, subject to the following conditions:

(i) The Petitioner shall furnish a personal bond in the sum of Rs. 10,000/- with one surety of the like amount, who shall be the father of the Petitioner, to the satisfaction of the trial court.

(ii) The Petitioner shall report to the SHO of the local area, once a week on every Sunday at 10:00 AM and shall not leave the National Capital Territory of Delhi during the period of parole.

(iii) The Petitioner shall furnish a telephone number to the Jail Superintendent on which he can be contacted, if required. After his release, he shall also inform his telephone number to the SHO of the police station concerned.

(iv) Immediately upon the expiry of period of parole, the Petitioner shall surrender himself before the Jail Superintendent.

(v) The Petitioner shall furnish a copy of the SLP filed in the Supreme Court to the Superintendent Jail at the time of surrendering. A copy of the SLP shall also be placed on record in court.

(vi) The period of parole shall be counted from the day after the date when the

Petitioner is released from jail.

8. The petition is disposed of.