

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ **W.P.(CRL) 1357/2010**

Decided on 08.12.2010

IN THE MATTER OF :

MOHD. AHMAD

..... Petitioner

Through: Ms. Charu Verma, Advocate

versus

STATE

..... Respondent

Through: Mr. Akshay Bipin, ASC with
Inspector Suresh Dabas, PS Seema Puri

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* **HON'BLE MS.JUSTICE HIMA KOHLI**

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| 1. Whether Reporters of Local papers may be allowed to see the Judgment? | No |
| 2. To be referred to the Reporter or not? | No |
| 3. Whether the judgment should be reported in the Digest? | No |

HIMA KOHLI, J. (Oral)

1. The present writ petition is filed by the petitioner under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C praying *inter alia* for grant of parole for a period of 3 months for the purpose of engaging a counsel for filing an SLP before the Supreme Court of India, against the judgment dated 19.01.2010 passed by the High Court, dismissing Criminal Appeal No. 732/2004 and for maintaining social ties with his family members and society.

2. Vide order dated 17.6.2010, the Government of NCT of Delhi rejected the application of the petitioner for grant of parole on the ground of an adverse report expressing an apprehension of breach of law and order

and a possibility of jumping of bail by the petitioner, in view of the fact that his family members had no control over him.

3. As per the nominal roll of the petitioner, against a quantum of sentence of RI for life and fine of Rs.2,000/-, in default RI for a period of six months in respect of offence, under Sections 302/201 IPC subject matter of FIR No.2/91 , as on 10.8.2010, the petitioner had undergone sentence for a period of nine years, seven months and twenty nine days.

4. Vide order dated 9.9.2010, notice was issued on the petition and a status report was called for, from the State.

5. On 29.10.2010, the status report filed by the Government of NCT of Delhi supported the rejection order dated 17.6.2010. However, the said status report made no mention of the claim of the petitioner that he is married and has a wife and two children. As a result, a fresh status report was called for. Counsel for the petitioner was directed to resort to video conferencing with the petitioner who is in jail. Counsel for the petitioner states that she has obtained instructions from her client to the effect that his residential address of Badaun, UP as furnished by him, is correct.

6. Learned ASC for the State hands over a fresh status report which states that upon the death of the petitioner's mother, his father got remarried and abandoned the petitioner who he was 17 years old at that time. The petitioner was brought up by his aunt and as a result, his family members have no control over him. It is further stated that the petitioner had stated that he is a married man, a father of two children and fully responsible for his aged parents, his wife and two minor children. However, during the enquiry, it was found that the petitioner used to live with a

widow, namely, Nadra at Faridpur Bareilly, UP. The said lady also has four children. The petitioner brought Nadra and her children to his own home in Badaun. The family members of the petitioner are unaware of the address of the aforesaid lady. The petitioner has seven brothers who are capable of taking care of his aged parents. The address given by the petitioner was verified and it was found that there is no lady by the name of Nadra residing at the address given by the petitioner. The statement of his family members was also recorded, who confirmed the aforesaid position. It is further noted in the status report that as per the record of PS Kotwali Badaun, the petitioner is involved in three criminal cases, namely, FIR No.664/2000 under Sections 147/148/149/307 IPC, FIR No.665/2000 under Sections 25 of Arms Act and FIR No.665/2000 under NDPS Act.

7. Having regard to the aforesaid status report which again confirms the fact that the family members of the petitioner have no control over him and the fact that on verification of the residential address furnished by the petitioner, it was found that petitioner did not reside at the aforesaid address, this court is not inclined to interfere in the rejection order dated 17.6.2010, by which the request of the petitioner for grant of parole was rejected.

8. The present petition is therefore dismissed.

DECEMBER 08, 2010
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(HIMA KOHLI)
JUDGE