

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

+ **BAIL APPLICATION NO. 1733/2009**

Reserved on : 16.09.2009
Date of Decision : 25.09.2009

Tarun Bhalla

.....Petitioner

Through: Mr. Arun Shrma,
Advocate.

Versus

The State (NCT of Delhi)

..... Respondent

Through: Mr. Pawan Bahl, APP

CORAM :

HON'BLE MR. JUSTICE V.K. SHALI

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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 |

V.K. SHALI, J.

1. This is an application for grant of interim bail to the petitioner.
2. I have heard the learned counsel for the petitioner and have also gone through the record.
3. The learned counsel for the petitioner has prayed for interim bail for a period of 60 days from the date of release on the ground that the petitioner has old parents. His father is stated to be diabetic apart from being heart patient. It is stated that the petitioner has one son and one daughter both of whom are very young. The daughter is stated to be just three years old and is stated to be suffering from Neuro related disease. It is stated that she

falls unconscious with muscular stiffen, jerk and twitch with tongue bitten for a couple of minute and drift into a deep slip. It is stated that she is undergoing treatment at Govind Pant Hospital where number of tests have been conducted and since there is no other male member in the family and therefore, interim bail for a period of 60 days is prayed.

4. The allegations against the petitioner are that he along with the two of his co-accused persons had wrongly confined and beaten the deceased Sajauddin who was called by them to their office. Sajauddin was actually acting as a recovery agent on behalf of a collection agency for HSBC Bank. It is alleged that the deceased was beaten by these accused persons including the petitioner in a most brutal and merciless manner because of which not only a confession regarding misappropriation of money was extracted from him and then he was thrown from third floor of a building but as a consequence of which he died. Evidence in the form of CD was recorded which gave the full details of the incident which has been seized by the police from the Star News. On account of the death of the deceased the FIR No. 132/2008 which was originally for an offence of 323 IPC was converted into 302 IPC. The charge sheet has been filed against the petitioner the allegations against the petitioner are very serious in nature inasmuch

as they are of having caused culpable homicide not amounting to murder.

5. So far as the ground for grant of interim bail is concerned, I do not feel that these are grounds on the basis of which the discretion deserves to be exercised in his favour because the allegations are very serious in nature of having caused the death of a person. I am, therefore, not inclined to exercise the said discretion in favour of the petitioner and accordingly the application for grant of bail is dismissed.

SEPTEMBER 25, 2009
KP

V.K. SHALI, J.