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

# **CNR No. DLHC010268142026**

+ **BAIL APPLN. 2357/2026**

**VIKAS @ PK**

.....Petitioner

Through: Mr. Yitendra Sethi, Sr. Adv. with Mr.  
Hemant Gulati, Mr. Shobit D. & Mr.  
Divyam Gaur, Advs.

versus

**STATE OF NCT OF DELHI**

.....Respondent

Through: Ms. Shubhi Gupta, APP for State.  
Insp. O.P. Vishnoi SI Amandeep PS  
Najafgarh.  
Insp. R.L. Meena Complaint Branch  
Central Distt.

**CORAM:**

**HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV**

**ORDER**

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**20.08.2026**

**CRL.M.(BAIL) 1416/2026**

1. The applicant by way of the instant application seeks for interim bail in respect of FIR No.223/2019 for the offences punishable under Section 302/34/120B of the Indian Penal Code, 1860 ('**IPC**') registered at Police Station Najafgarh, Delhi.
2. That the instant application for grant of Interim Bail has been moved by the applicant on the ground of the proposed surgery of his wife, who is presently suffering from Degenerative Lumbar Spine Disease.



3. The State has verified the averments made in the application and it has come on record that the spine surgery of the patient, i.e. the wife of the applicant, Mrs. Sukan was scheduled for 07.06.2026, however, on account of not reporting to the concerned hospital, surgery could not take place.

4. Learned counsel for the applicant explains that since the applicant was not released on interim bail, therefore, the surgery was to be postponed. He further submits that if the applicant is released on interim bail, necessary arrangements shall be made and within the period of interim bail, the surgery will be re-scheduled.

5. That as per the medical documents placed on record, the applicant's wife, Smt. Sukan, aged 28 years, has now been advised admission at Max Healthcare for a major spinal surgery, i.e., 2-Level TLIF (Transforaminal Lumbar Interbody Fusion), under General Anaesthesia, for the provisional diagnosis of Degenerative Lumbar Spine Disease. As per the Admission Request cum Doctor Input Form issued by the treating doctors, the date of admission has been fixed as 30.08.2026 and the surgery is scheduled for 31.08.2026. The said surgery is a major and complex procedure.

6. The power of this Court to grant interim bail is well settled. The Supreme Court in **Sukhwant Singh v. State of Punjab**,<sup>1</sup> following its earlier decision in **Kamlendra Pratap Singh v. State of U.P.**,<sup>2</sup> held as follows:-

*"...following the decision of this Court in the case of Kamlendra Pratap Singh v. State of U.P. and Ors., we reiterate that a Court hearing a regular bail application has got inherent power to grant interim bail pending final disposal of the bail application. In our opinion, this is the proper view in view of Article 21 of the Constitution of India which protects the life and liberty of every person."*

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<sup>1</sup> (2009) 7 SCC 559

<sup>2</sup> (2009) 4 437



7. This Court in ***Athar Pervez v. State***,<sup>3</sup> while citing ***Mukesh Kishanpuria v. State of West Bengal***,<sup>4</sup> had upheld the power of this Court to grant interim bail during the pendency of the application for regular bail, observing that such power lies inherent with the Court, particularly in view of Article 21 of the Constitution. It was pleased to observe as under:-

*“9. In Mukesh Kishanpuria v. State of West Bengal, (2010) 15 SCC 154, the Supreme Court pronounced that a detainee may apply for regular bail before the concerned Court and along with the said application may file an application for interim bail, pending disposal of the regular bail application. In this context, it was observed that the power to grant regular bail includes the power to grant interim bail, pending final disposal of the regular bail application. This power lies inherent with the Court particularly in view of Article 21 of the Constitution.”*

8. The applicant has been in custody for more than 6 years. During that period, he has never been granted interim bail. Though his overall jail conduct is unsatisfactory but for the last one year, his conduct is found to be satisfactory.

9. Given the seriousness and complexity of the impending surgery, the applicant's presence is essential to attend to his wife during this critical period, to provide the necessary support before, during and after the said surgery. In these circumstances, the applicant deserves to be released on interim bail so as to enable him to be present with his wife at this crucial juncture.

10. Accordingly, the applicant is granted interim bail for a period of three weeks from the date of his release subject to such conditions as may be imposed by the learned Trial Court.

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<sup>3</sup> 2016 SCC OnLine Del 6662

<sup>4</sup> (2010) 15 SCC 154



11. In view of above, the application stands disposed of.

**PURUSHAINdra KUMAR KAURAV, J**

**AUGUST 20, 2026**

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