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

+ **BAIL APPLN. 359/2017**

PREM PRAKASH SINGH @ MUNNA BAJRANGI

..... Petitioner

Represented by: Mr. S.D. Singh, Mr. Jitender
Singh, Ms. Vaishali Sharma,
Advts.

versus

STATE (CBI)

..... Respondent

Represented by: Mr. Sanjeev Bhandari, Spl. PP.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

01.03.2017

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CrI.M.A. 3511/2017

Exemption allowed subject to just exceptions.

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1. Notice. Learned Spl. PP for the CBI accepts notice.
2. Prayer in the present petition is:

“a) grant custody parole in favour of the petitioner i.e. from 28.2.17 to 08.03.17 to the satisfaction of Hon’ble Special Judge, CBI, 09 Central District, Tis Hazari Courts, Delhi in SC No.02 of 2013 pertaining to crime No.589 of 2005 at PS Bhanwarkol, Distt. Gazipur, U.P., FIR No.RC/8(S)06/CBI/SCB-II, New Delhi State of U.P. Vs. Azaz UI Haq;”

3. The co-accused in the above-noted FIR Mukhtar Ansari was granted custody parole by the learned Additional Sessions Judge which order was challenged by the Election Commission of India before this Court in

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Crl.M.C. 689/2017. This Court has already held that the term custody parole used by the learned Trial Court is misnomer. It is also well settled that the concession of taking a person in custody away from the prison can only be for a very limited purpose like treatment or death in the family or any such emergent condition. What cannot be granted directly cannot be granted indirectly. In the garb of custody parole the Court cannot pass an order akin to a temporary bail which has neither been sought nor granted.

4. In view of the decision of this Court in ‘Election Commission of India Vs. Mukhtar Ansari & Anr.’ in Crl.M.C. 689/2017 decided on 27th February, 2017, the present petition is dismissed.

MUKTA GUPTA, J.

MARCH 01, 2017
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