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

+ **BAIL APPLN. 1207/2017**

NARINDER

..... Petitioner

Through: Mr.Rahul Bhatia and Mukul Sharma,
Advocates.

versus

STATE

..... Respondent

Through: Ms.Kusum Dhalla, APP for the State
with SI Neeraj Kumar, ISC, Crime
Branch, Chanakyapuri, Delhi

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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10.07.2017

CrI.M.A. No.10103/2017

1. Exemption allowed subject to all just exceptions.
2. Application is disposed of.

BAIL APPLN. 1207/2017

1. This is an application moved on behalf of the applicant/petitioner under Section 439 Cr.P.C. seeking interim bail in case FIR No.518/2016 under Section 364-A/365/341/120-B/34 IPC, PS Subhash Place, Delhi on the ground of illness of his wife, who is suffering from “koch’s spine” – a kind of tuberculosis as well as from chronic cholecystitis for which she was advised Laproscopic Cholecystectomy.

2. On the last date of hearing, learned counsel for the petitioner was directed to file certified copy of the order dated 24th May, 2017 whereby the prayer for seeking interim bail has been rejected by the learned ASJ.
3. Learned counsel for the petitioner submits that he is unable to file the certified copy of the order dated 24th May, 2017 as the same has not been obtained.
4. I have heard learned counsel for the petitioner as well as learned APP for the State.
5. Status report has been filed by the State.
6. As per the status report filed by the State, Kartik Sharma was kidnapped and ₹50 crores was demanded as ransom for his safe release. Kartik Sharma was allegedly released after paying a ransom of ₹ 1 crore on 3rd October, 2016.
7. The petitioner herein refused to take part in the test identification parade.
8. The bail application filed by the petitioner has been dismissed by the learned ASJ on 24th May, 2017 for the following reasons:-
 - (i) The release of the victim was only after paying the ransom of ₹1 crore.
 - (ii) The matter is serious in nature and charge has already been framed in the case.
 - (iii) Looking into the sensitive nature of the case and the seriousness of the offence, protection has been provided to the public witnesses to enable them to depose fearlessly in the Court.

(iv) There are other family members to take care of the wife of the petitioner.

9. The petitioner is involved in a heinous crime. He is seeking his release on interim bail on the ground of illness of his wife who is suffering from “Koch’s spine” – a kind of spinal tuberculosis as well as from chronic cholecystitis.

10. On being questioned, learned counsel for the petitioner has fairly submitted that the wife of the petitioner is not hospitalised and she is at home. As per the status report filed by the State, other family members of the petitioner i.e. younger brother Sajjan, father Karamvir and mother Babina are also residing in the same house where wife of the petitioner is residing.

11. Since the petitioner has other family members to take care of his wife and considering the nature and gravity of the offence for which the petitioner is facing trial i.e. for committing the offence punishable under Sections 364-A/365/341/120-B/34 IPC as well as the stage of trial i.e. at the stage of prosecution evidence, I do not find it to be a case to enlarge the petitioner on interim bail.

12. The application is dismissed.

PRATIBHA RANI, J.

JULY 10, 2017

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