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

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BAIL APPLN. 119/2019 and CrI. M.A. 992/2019

SUNNY PHOGAT

..... Petitioner

Through: Mr. L.S. Saini, MR. Ajay Garg and MR.  
Rajat Mathur, Advocates

versus

THE STATE ( NCT OF DELHI)

..... Respondent

Through: Mr. Amit Ahlawat, APP

**CORAM:****HON'BLE MR. JUSTICE R.K.GAUBA****ORDER**

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**23.01.2019**

The petitioner is facing trial as accused in the Sessions case arising out of FIR no.189/2014 of police station Mehrauli involving offences punishable under Sections 302, 307, 34 IPC and 25 and 27 of the Arms Act. He has been in custody since 08.02.2014, trial being presently underway. He seeks interim bail on the ground that his mother is to undergo surgical procedure on 29.01.2019 in Jaipur Golden Hospital in Rohini, New Delhi for removal of stone and stent from right kidney. The request to this effect was declined by the Court of Sessions by order dated 11.01.2019 primarily on the ground that there are other members of the family who are capable to make the necessary arrangements for taking care of the treatment, reference being made to the younger brother and father of the petitioner.

The State had filed status report on 17.01.2019 in continuation

whereof a fresh status report has been submitted today. The fact that Smt. Ishwanti, mother of the petitioner is to get hospitalised for such surgical procedure in the said hospital has been verified. Reference is made by the police to the fact that Chand Phoghat, the younger brother of the petitioner and father of the petitioner are available to take care of the needs of his mother, they being assisted by his wife.

The petitioner, however, explains that his father is aged not capable to take care of the needs, his younger brother Chand Phoghat being a member of Haryana Police posted in Panipat and consequently unavailable.

It is noted that the petitioner had been earlier granted interim bail by this court by orders dated 29.05.2018 and 20.06.2018 on his bail application nos.1189/2018 and 1451/2018. The said interim bail was granted in the context of treatment of his wife. The nominal roll confirms that the petitioner having availed of the said interim release on bail had surrendered back to the jail.

In the above facts and circumstances, the application is allowed. It is directed that the petitioner shall be released on interim bail for a period of two weeks subject to the following conditions :-

- (i). The petitioner shall furnish personal bond in the sum of Rs.25,000/- with two sureties in like amount to the satisfaction of the trial court.
- (ii). Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the sureties to the trial court.

(iii). He shall scrupulously appear at each and every stage of the proceedings before the trial court so as not to cause any obstruction or delay to its progress.

(iv). He shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(v). He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence; and

(vi). He shall not leave Delhi without the prior permission of the trial court.

The bail application and the application filed therewith are disposed of in these terms.

A copy of this order shall be transmitted to the jail authorities and to the trial court.

*Dasti* under the signatures of the Court Master.

**R.K.GAUBA, J.**

**JANUARY 23, 2019**

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