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

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Judgment delivered on: 18.03.2019

+ BAIL APPLN. 653/2019

PREETAM SAINI

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. K.C. Kashyap, Advocate.

For the Respondent : Ms. Kusum Dhalla, APP for the State.
SI Sandeep, Crime Branch.
Mr. Chetan Anand with Mr. Akash Srivastava,
Advocates for the complainant.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks interim bail for the treatment of his mother in FIR No.219/2017 under Sections 302/34 IPC, Police Station New Friends Colony.

2. Learned counsel for the petitioner submits that the mother requires to be admitted for investigation at AIIMS and investigation is to take place on 25.03.2019 and she has to be admitted one day before the said date.

3. Learned counsel for the petitioner submits that trial court has permitted petitioner to be taken to AIIMS in police custody. He submits that for the treatment of his mother, he requires to make arrangements for funds.

4. Status report has been filed. The same is taken on record. Medical condition of the mother of the petitioner has been verified.

5. After hearing learned APP for the State as well as learned counsel appearing for the complainant, I am of the view that the direction issued by the trial court for taking petitioner to AIIMS in police custody is reasonable and justified.

6. It is also seen that the Trial Court, by order dated 15.02.2019, as modified on 26.02.2019, has directed the petitioner to be taken in custody to AIIMS from 9 am to 5 pm and thereafter to be brought back to Jail.

7. Keeping in view the totality of facts and circumstances, the Superintendent, Jail is directed to take the petitioner in custody to such place and person as may be informed by the petitioner, from whom he has to collect money/make arrangements of funds for the purposes of treatment of his mother. He shall be taken in custody by officers in plain clothes at any time between 9 am to 5 pm, as may be required by the petitioner but for not more than 2 days. Thereafter, after the arrangements for funds is made by the petitioner and his

mother is admitted in hospital in AIIMS, petitioner shall also be taken to AIIMS in custody on the date of admission as also the day when investigation is to be performed between 9 am to 5 pm. On each of the days when the petitioner is taken out, he shall be brought back to jail latest by 5 pm.

8. It is directed that the officers accompanying the petitioner shall be in plain clothes. It is further directed that in case the officers from the local police station visit AIIMS for any purpose connected with the petitioner, they shall do so only in plain clothes.

9. Petition is disposed of in the above terms.

10. Order *Dasti* under signatures of the Court Master.

MARCH 18, 2019
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SANJEEV SACHDEVA, J