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

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Judgment delivered on: 26.03.2019

+ BAIL APPLN. 698/2019

VIJAY PAL @ SITTU

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner :

Mr. Siddharth Pandit with Ms.
Aradhana Pandit, Advocates.

For the Respondent:

Ms. Kusum Dhalla, APP for the State.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks interim bail for a period of 45 days in FIR No.189/2014 under Sections 302/307/34 IPC read with Sections 25/25(54)/27/59 Arms Act, Police Station Mehrauli on the ground of surgery of the father of the petitioner.

2. It is contended that the petitioner is the only son and there are only female members in the family, i.e., the wife and the mother of the petitioner, both of whom are suffering from several ailments.

3. Status report has been filed. The same is taken on record.
4. The medical condition of the father of the petitioner has been verified. As per the status report, the ailment of the father of the petitioner has been confirmed. However, the doctor has stated that the surgery is a planned surgery and not an emergency procedure.
5. Learned counsel for the petitioner submits that since the father of the petitioner suffers from heart ailments also, the date of surgery has been proposed as 27.03.2019.
6. Perusal of the record shows that the petitioner has earlier been granted interim bail for treatment of his wife, mother and father. Status report does not indicate that the petitioner has misused the liberty at any point of time.
7. As per the record, all public witnesses have already been examined and only official/police witnesses are remaining to be examined. Out of 65 witnesses, only 13 witnesses have been examined so far.
8. Keeping in view the totality of facts and circumstances of the case, I am of the view that petitioner is entitled to interim bail for a period of four weeks.
9. Accordingly, on petitioner furnishing a bail bond in the sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of

the Trial Court, petitioner shall be released on interim bail for a period of four weeks from the date of his release.

10. Petitioner shall on admission of his father in the hospital for surgery, inform the Investigating Officer of the date, time and the name of hospital of admission of his father and the date of surgery. In case the father of the petitioner is not admitted in hospital or the surgery is not performed within one week of the release of the petitioner, the petitioner shall surrender to the Superintendent, Jail forthwith. In case the surgery is performed within a period of one week from the date of his release, petitioner shall surrender to the Superintendent, Jail within four weeks from the date of his release. Petitioner shall keep the Investigating Officer informed of the medical treatment of the father. Petitioner shall not do anything which may prejudice either the trial or the prosecution witnesses.

11. Petition is disposed of in the above terms.

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

SANJEEV SACHDEVA, J

MARCH 26, 2019
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