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

% Judgment delivered on: 26.03.2019

+ BAIL APPLN. 683/2019

ANIL KUMAR SINGH @SUNNY Petitioner

versus

STATE THROUGH SHO P.S. NABI KARIM, DELHI

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Ashok Kumar Kotnala with Mr. Sunil Tiwari,
Advocates.

For the Respondent : Ms. Kusum Dhalla, APP for the State.
Insp. Vijay Kumar Gupta with SI Ramavtar, PS
Nabi Karim.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No.31/2007 under Sections 386/380/392/419/34 IPC, Police Station Nabi Karim.

2. Learned counsel for the petitioner submits that the petitioner was enlarged on bail on 30.03.2007 and continued on bail till his bail was cancelled by order dated 12.12.2018. Learned counsel for the petitioner submits that the bail of the petitioner was cancelled solely on the ground that the matter pertained to the year 2007 and was

adjourned on certain occasions as the petitioner was not produced by the Jail Authorities in Lucknow where the petitioner was incarcerated in another case. He submits that the petitioner cannot be penalised and bail could not have been cancelled solely on the ground that the petitioner was not produced by the Jail Authorities in Lucknow.

3. Learned counsel for the petitioner submits that the petitioner has already been granted bail by the High Court of Lucknow in Bail Appln.2971/2018, in the case in which he was in custody in Lucknow Jail.

4. Learned counsel for the petitioner submits that the petitioner had given an undertaking before the Trial Court that if the petitioner was enlarged on bail, he shall appear on each and every date when the matter is fixed and shall not seek any adjournment.

5. Status report has been filed. The same is taken on record.

6. Perusal of the record of the Trial Court shows that the Trial Court cancelled the bail solely on the ground that it was an old matter and the petitioner had not been produced by the Jail Authorities despite production warrants being issued by the Court.

7. Petitioner cannot be penalised for non-production of the petitioner by the concerned Jail Superintendent, Lucknow despite issuance of production warrants. The mere fact that the case is one of the oldest cases pending in the Court falling in the category of more

than 10 years, can be no ground to cancel the bail and to incarcerate the petitioner specially when there is no fault of the petitioner.

8. Keeping in view the totality of facts and circumstances of the case and also the fact that the petitioner was enlarged on bail on 30.03.2007 by the Trial Court and there is no complaint of his having misused the liberty granted by the Trial Court, I am satisfied that the petitioner is liable to be admitted to bail.

9. Accordingly, on petitioner furnishing a bail bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the Trial Court, the petitioner shall be released on bail, if not required in any other case. Petitioner shall not do anything which may prejudice either the trial or the prosecution witnesses.

10. Petition is allowed in the above terms.

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

MARCH 26, 2019
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SANJEEV SACHDEVA, J