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

+ **CRL.M.C. 837/2020**

NEENA CHAWLA

..... Petitioner

Through: Mr. Mohit Mathur, Sr. Adv. with Mr.
Chetan Anand, Adv.

versus

STATE, NCT OF DELHI & ANR

..... Respondents

Through: Mr. Kewal Singh Ahuja, APP for
State with SI Sandeep, Crime Branch.
Mr. JK Sharma, Adv. for R-2.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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17.02.2020

On behalf of the petitioner a prayer is made seeking cancellation of bail granted vide order dated 07.02.2020 in Bail Application No.368/2020 submitting to the effect that the prayer made by the applicant/respondent no.2 seeking grant of interim bail was granted in view of the submissions that had been made by the respondent no.2 that his mother's surgery was fixed for 10.02.2020.

The status report vide order dated 07.02.2020 was called for, for 1:15 pm for the said date on 07.02.2020. As per the information received thereafter on the said date at 1:15 pm, it was informed that the surgery of the petitioner's mother was to be performed at the Metro Hospital, Noida, as a consequence of which, the respondent no.2 was permitted to be released on interim bail for a period of 10 days from the date of his release on conditions as imposed thereby.

There was opposition on behalf of the complainant to the effect that the applicant could be granted custody parole and taking into account the factum that it was informed on behalf of the State through the verification conducted that the surgery which was to be performed on the petitioner's mother was a life saving surgery, it was not considered appropriate to revoke the interim bail granted vide order dated 07.02.2020 itself.

The present applicant once again seeks cancellation of the interim bail granted submitting through the application to the effect that the grant of bail is detrimental to the proceedings before the learned trial Court.

During the course of submissions that have been made on behalf of either side, it is brought forth that the respondent no.2 is today appearing before the learned trial Court.

The status report that has been submitted on behalf of the State indicates that through the verification conducted, the respondent no.2 was found available at his rented premises along with his family members but stated that his mother would be admitted at Metro Hospital, Sector-11, Noida for BAE on 17.02.2020. It is thus submitted on behalf of the petitioner that the submission that had been made by the respondent no.2 that his mother would be admitted on 10.02.2020 was erroneous and false and thus the interim bail granted to the respondent no.2 be revoked.

It has been submitted on behalf of the respondent no.2 that the mother of the respondent no.2 is to be admitted to hospital today and has sought that the respondent no.2 be permitted to surrender on

19.02.2020.

Taking into account, however, the factum that there has been an erroneous submission made on behalf of the respondent no.2, the respondent no.2 qua whom, it is submitted that he would get his mother hospitalized today, is thus, in the circumstances, directed to surrender at 4:30 pm on 18.02.2020 before the Superintendent Jail, Delhi.

The petition is disposed of.

ANU MALHOTRA, J

FEBRUARY 17, 2020

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