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

+ BAIL APPLN. 844/2020

SUNIL GUPTA

.....Petitioner

Through: Mr. Jatan Singh & Mr. Gajraj Singh, Advs.

versus

THE STATE (GOVT. NCT OF DELHI)

.....Respondent

Through: Mr. G.M. Farooqi, APP for State.

CORAM:

HON'BLE MR. JUSTICE A.K. CHAWLA

ORDER

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02.06.2020

(Video Conference Hearing)

By the instant application, the applicant seeks interim bail for 45 days in FIR no.338/2019 dated 14.06.2020 registered u/s 302/34 IPC & 27 Arms Act at P.S. Bhalswa Dairy.

On the conclusion of the investigations, the challan is said to have already been filed. Mr. Jatan Singh, ld. counsel for the applicant submits that the same is pending consideration on charge and that, the matter could not be heard on the question of charge on the last date of hearing i.e. 13.05.2020, on account of suspension of functioning of courts on account of Covid-19 pandemic and the consequent lockdown. It is now stated to have been adjourned to 07.07.2020.

The interim bail is sought on the premise of the impending surgery to be conducted on the applicant for umbilical hernia, which surgery was earlier

scheduled to be performed at AIIMS in pursuance of the order passed by this Court on 06.03.2020. The scheduled surgery of the applicant could not be performed by the AIIMS on account of the prevailing conditions on account of Covid-19 pandemic. Besides the surgery for umbilical hernia, it comes to be stated that the applicant is suffering from Coronary Artery Disease as well. While AIIMS postponed the surgery on account of the prevailing conditions on account of Covid-19 pandemic, Chawla Nursing Home is stated to be prepared to perform the surgery as per the status. Mr. Jatan Singh, Id. counsel for the applicant on being queried points out that the incident was of 9.30 pm of 13.06.2020, the FIR came to be registered the next day i.e. on 14.06.2020 at 5.58 am and that, as per the FIR, the deceased was accompanied by his son when the incident took place but the deceased was removed from the spot and taken to the hospital by the police on the information received vide DD no.79A dated 13.06.2019 in the absence of the son of the deceased.. But for one excise case, the applicant has no other criminal antecedents.

Without getting into any aspect of merits of the case but the fact that the surgery was earlier scheduled with AIIMS for 30.03.2020 could not be performed on account of prevailing conditions resultant of Covid-19 pandemic and that, Chawla Nursing Home is prepared to perform the surgery, the application is allowed and the applicant is admitted to interim bail for 25 days from the date of the release on his executing a personal bond in the sum of Rs.50,000/- to the satisfaction of the Jail Superintendent concerned. It is also subject to the stipulation that it shall be incumbent upon

the applicant to get the date of surgery scheduled immediately so that the liberty granted is not sought to be extended.

The application stands disposed of.

A.K. CHAWLA, J

JUNE 02, 2020

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