

\$~I-6(urgent)

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

+ **BAIL APPLN. 891/2020**

SH. VISHAL PRAJAPATI Petitioner

Through: Mr. Sudhir Sharma, Advocate

Versus

STATE/ GOVT. OF NCT OF DELHI & ANR. Respondents

Through: Mr. Amit Chadha, Additional
Public Prosecutor for State with
Inspector Paramjit Singh, EOW
Mr. Vibhor Bagga, Advocate for
the complainant

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

ORDER

% **13.05.2020**

Court hearing convened *via* video-conferencing on account of
COVID-19.

BAIL APPLN. 891/2020

Vide this application, petitioner is seeking extension of interim bail
from 7th May, 2020 for a further period of three months granted to him
vide order of 21st April, 2020 by the learned trial court in FIR No.
151/2012, registered at police station Crime Branch for the offences
under Sections 420/120B/467/468 IPC.

Notice.

Mr. Amit Chadha, learned Additional Public Prosecutor for
respondent/State and Mr. Vibhor Bagga, learned counsel for the
complainant, accept notice.

BAIL APPLN. 891/2020

Attention of this Court has been drawn to the order of 5th May, 2020 passed by the learned Court of Sessions, vide which order dated 21st April, 2020 passed by the learned Metropolitan Magistrate granting interim bail to the petitioner, was set aside and petitioner was directed to surrender before the Investigating Officer or concerned court/ link MM on or before 7th May, 2020.

Learned counsel for the petitioner submits that petitioner is currently in Lucknow, U.P. and due to lock down and non availability of transport facility, petitioner is unable to surrender and prays for extension of interim bail granted to him.

The application is strongly opposed by learned Additional Public Prosecutor for State as well as learned counsel for the complainant.

Learned Additional Public Prosecutor for State and counsel appearing on behalf of the complainant submit that the instant application filed under Section 439 (1) Cr.P.C. is not maintainable as the petitioner/accused is not in custody. It is pointed out that petitioner has fraudulently mentioned instant FIR being registered at police station Crime Branch, whereas it pertains to Economic Offences Wing (EOW), Mandir Marg, New Delhi. Learned counsel for the complainant next submits that while cancelling the interim bail of petitioner vide order of 5th May, 2020, the learned Sessions Court has passed a detailed order and no concession of extension of interim bail can be granted to the petitioner and he be directed to surrender forthwith.

I have heard the learned counsel for the parties at length and on perusal of the record, this Court finds that order of 5th May, 2020 passed by the learned court of Sessions is not required to be interfered with and

petitioner shall surrender forthwith before the concerned authorities in compliance thereof.

At this stage, learned counsel for the petitioner submits that petitioner is ready to surrender but in the wake of total lock down in the country due to Covid 19, no transportation service is available and in such a situation, petitioner be permitted to surrender before the jail authorities at Lucknow, Uttar Pradesh.

Heard.

Keeping in mind the lockdown in the wake of Covid 19, petitioner is directed to surrender before the Jail Superintendent at Lucknow, Uttar Pradesh today evening or by tomorrow i.e. 14th May, 2020, who shall take petitioner in custody and inform Inspector Paramjeet Singh, Investigating Officer of this case (Mobile No.9968263698) forthwith. In case the petitioner is not able to surrender before the Jail Superintendent, Lucknow, he can come to Delhi by rail or road transport. In case, the petitioner intends to travel by rail, the Railway Administration will give him preference in issuing the ticket as he has to surrender at Tihar Jail, Delhi forthwith. It is further clarified that in case the petitioner is unable to buy the ticket, the Investigating Officer shall apply/ buy the ticket of the petitioner for his travelling from Lucknow to Delhi and Railway Authorities are directed to issue a ticket and provide seat on preference basis to the petitioner. Lastly, it is clarified that in case, the Investigating Officer is unable to reserve a seat for petitioner from Lucknow to Delhi by rail, he himself shall go to Lucknow either by train or by any other mode, so that petitioner is brought back to Delhi and surrenders before the Jail Superintendent, Tihar Jail, Delhi.

It is also clarified that the order passed in this bail application be read as the one passed in FIR No. 151/2012, registered at Economic Offences Wing, Mandir Marg, New Delhi and necessary records be corrected forthwith. Let petitioner's counsel (Mobile No.7678323196) inform Mr.Amit Chadha, learned Additional Public Prosecutor for State (M#9911116613), Mr. Vibhor Bagga, Advocate for the complainant (M#8882345469) as well as Inspector Paramjeet Singh, Investigating Officer of this case (Mobile No.9968263698) as and when petitioner surrenders before the authorities and about his travel details, if any.

This application stands disposed of accordingly with aforesaid directions, while making it clear that it is in the interest of petitioner to show his *bona fide* and surrender forthwith in compliance of the court's order.

A copy of this order be uploaded on the website forthwith.

BRIJESH SETHI, J

MAY 13, 2020

r