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

+ **BAIL APPLN. 1095/2020 & CRL M.As. 9797-99/2020**

KISHORE

..... Petitioner

Through: Mr. Ankit Rana, Advocate.

versus

STATE

..... Respondent

Through: Ms. Meenakshi Dahiya, APP

Mr. Sunil Kumar, Jail Superintendent

Mr. Deepak Kumar, IO, PS Alipur.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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24.07.2020

1. This hearing has been done by video conferencing.
2. Ld. counsel for the Petitioner submits that despite the order of this Court dated 8th July, 2020, by which the Petitioner was granted interim bail, he has not been released. Further, the verification of the surety has been done on two occasions and despite the same, the Petitioner continues to remain in jail. The present application has been moved by the Petitioner praying that the bail bonds may be furnished to the satisfaction of the Duty Magistrate, in view of this fact situation.
3. The bail order dated 8th July, 2020 was granted in presence of Mr. Sunil Kumar, Jail Superintendent and Mr. Hardeep Chikara, Head Warden who had joined the hearing through video conferencing. The Petitioner is suffering from a serious Emotionally Unstable Personality Disorder and has attempted suicide on two occasions. Dr. Joginder Malik had also joined the video conferencing hearing on the last date of hearing. Thus, the non-release of the Petitioner appears to be inexplicable, for the last more than

two weeks.

4. Accordingly, it is directed that the Jail Superintendent, Central Jail No.10, Rohini, Sector 19 shall join the video conferencing on 24th July, at 12:15 p.m. Ms. Meenakshi Dahiya, Id. APP to inform the Jail Superintendent. The Court Master to provide the link for the hearing through video conferencing to the Jail Superintendent.

5. List on 24th July, at 12:15pm.

At 12:15 pm

6. Mr Sunil Kumar, Jail Superintendent, who has joined the proceedings through video conferencing, submits that the Petitioner was not released because the Investigating Officer (*hereinafter, 'IO'*) could not verify the address of the Petitioner. The IO, Mr. Deepak Kumar has appeared and submits that on 14th July, 2020 verification of the residence of the Petitioner as given in the petition i.e. House No.475, Khasra No.120/16, Opposite School, PD Triveni Colony, Village Bakhtawarpur, Delhi was carried out. However, nobody could be found at the said residence. He also got verification done from Alipur where neighbours informed him that the Petitioner was living there on rent three years back. He submits that since there has been no verification of the address, hence the Petitioner has not been released.

7. On the other hand, Mr. Ankit Rana, Id. counsel appearing for the Petitioner, on instructions from the Petitioner's father and *pairokar*, submits that the IO had verified that the Petitioner's family is living at the address of Triveni Colony. He further submits that on 17th July, 2020 the police again came and recorded the statements of two neighbours of the Petitioner and

assured the father of the Petitioner that the report is being sent to the Jail Superintendent. However, till date the said report has not been received by the Jail Superintendent and hence the Petitioner has not been released on bail, despite the order of this Court dated 8th July, 2020.

8. Mr. Rana, Id. counsel has confirmed from the *paikar* and informed the Court that one Mr. Satender, beat constable had visited the residence of the Petitioner/his father, both on 14th July, 2020 and 17th July, 2020. He submits that the beat constable, who had come for verification had in fact stated that he could not verify the residence on the first occasion as he had initially been given the wrong address. On the second occasion, though the residence was verified, there was no procedure to send the verification once again.

9. Ms. Meenakshi Dahiya, Id. APP while being on video conferencing was requested to speak to the said Mr. Satender to ascertain the true facts. He has now confirmed that he had verified the address of the Petitioner in Village Bakhtawarpur above Sahara India Bank, Tajpur Road. On the call, the said Mr. Satender also confirmed that he recorded the statement of two neighbours, however since the bail verification had already been sent once, it could not be sent again.

10. There is a clear contradiction in the version of the I.O. and the actual person who was sent for verification. Clearly, the Court is not being told all the correct facts. Id. APP to ascertain all the facts and file a detailed status report as to why the verification of the Petitioner was not done and as to why the Petitioner is still not being released on bail despite the order dated 8th July, 2020. Status report be filed by 27th July, 2020. Both the I.O. – Mr. Deepak Kumar and Mr. Satender shall join the hearing through video

conferencing. The Petitioner's father i.e., the Pairokar is also permitted to join the hearing.

11. List on 28th July, 2020, at the end of board.

PRATHIBA M. SINGH, J.

JULY 24, 2020

dj/A