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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1131/2020**
LALIT KUMAR Petitioner
Through **Mr.Syed Rehan, Adv.**

versus

STATE OF NCT OF DELHI Respondent
Through **Ms.Manjeet Arya, APP for the State**
with IO Sh.Robin Singh.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
% 06.08.2020

1. This hearing is conducted through video conferencing.
2. This application is filed by the petitioner under section 439 Cr.P.C. seeking interim bail in FIR No.128/2019 registered under section 307 IPC read with sections 25/27/54 of the Arms Act at P.S. Civil Lines, Delhi.
3. It is the claim of the petitioner that while he was leaving after finishing his duty for home Sh.Rahul Gupta, owner of Olive Fitness Gym was coming towards the Gym when suddenly a person reached out and fired bullets on Sh.Rahul Gupta and ran away. However, the petitioner was arrested on 26.07.2019. Charge-sheet has been filed on 20.09.2019.
4. It is the contention of the petitioner that he is suffering from Asthma and is having difficulty in breathing. It is also stated that in the current pandemic situation due to Covide-19 his health is deteriorating in judicial custody. It is also claimed that he was hospitalised recently in the jail hospital and has been diagnosed with difficulty in breathing. He also claims to using oxygen cylinder pump in his barrack.

5. A status report has been filed by the State. In the status report, it is stated that the investigation reveals that the accused/petitioner worked as a trainer in the said Gym. He was ousted from the Gym by Sh.Rahul Gupta and allegedly humiliated in front of the Gym staff. It is stated that the petitioner decided to kill Rahul Gupta and hatched a plan. The petitioner while commissioning the crime is said to have covered his face with cloth and helmet.

6. A medical status report has also been filed from the office of Senior Medical Officer, Dispensary, Central Jail, Tihar. As per the medical report, the patient was examined on 15.04.2020 as a follow up of Bronchial Asthma and was advised medications. He was also reviewed on 20.04.2020 and was diagnosed as a case of Bronchial Asthma and was advised treatment for Asthma accordingly. The case of the petitioner was reviewed on subsequent dates including on 09.05.2020, 16.05.2020 and 03.06.2020. It is stated that at present the general condition of the inmate is stable and satisfactory.

7. It is clear that the petitioner is suffering from bronchial asthma. It would be appropriate in my opinion that in the facts and circumstances of this case, he may be given interim bail to permit him to take appropriate precautionary measures/medical treatment.

8. Accordingly, the petitioner is released on interim bail for 30 days from the date of his release on his furnishing a personal bond for a sum of Rs.15,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/Duty Magistrate, subject to following conditions:

- (i) Petitioner will provide his current mobile phone number to the IO/SHO, P.S. Civil Lines and will ensure that the phone number

remains active.

- (ii) Petitioner will report every Monday at 11:00 a.m. to the IO, P.S. Civil Lines on mobile phone.
- (iii) Petitioner will not in any manner seek to tamper with the evidence or threaten or contact in any manner the prosecution witnesses.
- (iv) Petitioner will not leave the jurisdiction of the National Capital Territory of Delhi without prior permission of the concerned court.
- (v) Petitioner will duly surrender at the end of the suspension period.

9. A copy of this order be sent by the Registry by e-mail to the concerned Jail Superintendent for information and necessary compliance.

10. With the above directions, the petition is disposed of.

JAYANT NATH, J.

AUGUST 06, 2020/v