

\$~5

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

BAIL APPLN. 1138/2020

VINOD BHATI

....Petitioner

Through : Mr. Mir Akhtar Hussain, Adv.

versus

STATE (NCT OF DELHI)

....Respondent

Through : Ms. Aasha Tiwari, APP.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

%

10.06.2020

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

1. On the previous date i.e. 05.06.2020, I had issued certain directions which are extracted hereunder:

“2. Mr. Mir Akhtar Hussain, who appears for the petitioner, says that the petitioner’s family, which consists of wife and two minor children, reside in Raghubir Nagar which has been declared a containment zone.

3. According to Mr. Hussain, although the petitioner was enlarged on bail vide order dated 26.03.2020, which was extended on 23.04.2020, the surgery of his child i.e. Master ShauryaBhati could not take place because of the spread of Coronavirus pandemic.

3.1 I am further informed by Mr. Hussain that the surgery is now fixed for 07.06.2020.

4. Accordingly, issue notice to the respondent/State.

4.1 Ms. Aasha Tiwari accepts notice on behalf of the respondent/State.

4.2 Ms. Tiwari will ascertain as to whether it would be possible to remove the petitioner's family from the containment zone.

4.3 Ms. Tiwari will also ascertain as to whether the concerned hospital will entertain the petitioner and perform the surgery of his child given the fact that they are presently residing in a containment zone.

4.4 Ms. Tiwari will also ask the concerned authorities as to what would be the convenient date and time for conducting the surgery on the child given the aforesaid circumstances."

2. Since then, Ms. Aasha Tiwari, who appears on behalf of the respondent/State, has ascertained certain facts in the matter.

3. Ms. Tiwari informs me that, firstly, Raghubir Nagar, where the petitioner's family resides, is not a containment zone.

3.1 Secondly, the petitioner's child i.e. Master ShauryaBhati does require a surgery and that he had been treated in the past by a doctor going by the name Dr. Preet Singh Chawla. I am further informed that Dr. Preet Singh Chawla is attached to Chawla Nursing Home.

3.2 Lastly, it is stated by Ms. Tiwari that there is no clarity as to the date on which the surgery is to be performed on the petitioner's child i.e. Master ShauryaBhati.

4. On the other hand, Mr. Mir Akhtar Hussain, who appears on behalf of the petitioner, has also placed on record, a prescription, apparently written out by Dr. Preet Singh Chawla, which is indicative of the fact that Dr. Preet Singh Chawla has asked for the patient i.e. Master ShauryaBhati to be admitted in the aforementioned nursing home i.e. Chawla Nursing Home on 16.06.2020 for conducting a surgery on him on 17.06.2020.

4.1 Mr. Hussain further submits that he has now received a confirmation that, while the residents of certain houses in Raghubir Nagar have been quarantined, the area has not been declared as a containment zone.

5. Having regard to the aforesaid, I am of the view that the petitioner can be enlarged on bail for 45 days to help out his family, as the child of the petitioner i.e. Master ShauryaBhati, appears to have been advised to undergo a surgery.

6. Accordingly, as indicated above, the petitioner will be enlarged on bail for 45 days, commencing from the date of his release, subject to the following conditions.

- i. The petitioner will furnish a personal bond of Rs.25,000/- with a surety of like amount to the satisfaction of the concerned duty Magistrate.
 - ii. The petitioner will furnish his mobile number to the Station House Officer of the area in which he resides and will establish telephonic contact with him every alternate day.
 - iii. Needless to add, the petitioner will neither get in touch, directly or indirectly, with any person/witness who is concerned with the trial of the case, nor will he tamper with the evidence.
 - iv. On completion of the aforementioned period, the petitioner will surrender to the concerned Jail Superintendent.
7. The Registry is directed to transmit a copy of the order passed today, electronically, to the concerned Jail Superintendent.

8. The captioned application is disposed of in the aforesaid terms.

RAJIV SHAKDHER, J

JUNE10, 2020
Aj/KK

Click here to check corrigendum, if any

BAIL APPLN. 1138/2020

page 4 of 4