

\$~1 (appellate side)

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

+ BAIL APPLN. 1151/2020

DR. SUDHIR BAJAJ

... Petitioner

Through Mr. Pritish Sabharwal, Adv.

versus

STATE

... Respondent

Through Mr. Amit Ahlawat, APP for the
State

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER (ORAL)

17.06.2020

%

(Video-Conferencing)

1. This application under Section 439 of the Code of Criminal Procedure, 1973 (Cr PC) seeks extension of the interim bail granted to the petitioner, by the order, dated 20th January, 2020, of this Court, by a further period of three months.

2. The petitioner is 60 years of age and was working as a consultant at the Ram Manohar Lohia Hospital. Consequent to registration of FIR No. 0301/2017, against him, under Section 420, 406 and 34 of the Indian Penal Code, 1860 (IPC), the petitioner was arrested on 29th November, 2017.

3. The petitioner was granted interim bail, by this Court, *vide* order dated 20th January, 2020, for a period of six weeks from the date

of his release. The petitioner could be released only on 4th May, 2020, as he was also facing trial in Uttar Pradesh, in which he was granted bail by the Allahabad High Court on 27th April, 2020. The petitioner was, ultimately, released on interim bail on 4th May, 2020.

4. Interim bail, as so granted by this Court, expired on 14th June, 2020.

5. The petitioner has applied for extension of interim bail. He is lodged in Mandoli Jail, in which certain cases of COVID – 2019 infection have surfaced.

6. In the application, the petitioner has stated that he is diabetic, with HbA_{1c} count of 9.1, and that his fasting and post-prandial blood sugar levels are 349 and 374 respectively, as on 15th May, 2020. He also claims that he is asthmatic.

7. The petitioner relies on the minutes of meeting, dated 18th April, 2020, under the Chairpersonship of Hon'ble Ms. Justice Hima Kohli, J. of this Court, in which it was decided that the Under Trial Prisoners (UTPs), who, *inter alia*, were in custody for more than six months or more, facing trial in a case punishable with imprisonment beyond 10 years upto life imprisonment, and who were suffering HIV, Cancer, Kidney Dysfunction, Hepatitis B or C, Asthma and TB, could be considered for release on interim bail, as they were especially susceptible to infection by the COVID – 2019 virus.

8. The petitioner has also placed, on record, the orders passed by this Court, in other cases on which, on the said consideration, interim bail was granted to the petitioners therein.

9. Consequent to issuance of notice, an undated status report has been filed by the SHO, P.S. Anand Vihar. Annexed, to the status report, is the certificate dated 11th June, 2020, of Dr. Vijay Arora, Director and Head, Department of Internal Medicine, Max Super Speciality Hospital, Patparganj. The said certificate acknowledges the fact that the petitioner is especially susceptible to infection by the COVID – 2019 virus, in view of his various comorbidities.

10. The status report does not disclose that the petitioner has misused the facility of interim bail granted to him.

11. In view of the above, I am of the opinion, in order to safeguard the health of the applicant and keeping in view the decision of the High Power Committee of this Court, as also the earlier orders passed in similar cases, to which the petition alludes, that the petitioner is entitled to extension of interim bail for a further period of three months, commencing today, i.e. w.e.f. 17th June, 2020.

12. Para 6 of the order, dated 20th January, 2020, whereby the petitioner was granted interim bail, required the petitioner to proceed directly to Sarvodaya Hospital, wherein his son was undergoing treatment and remain there during the period of bail. The beat staff of the concerned SHO was also directed to visit the hospital to ascertain

whether the petitioner had been complying with the said conditions.

13. Mr. Pritish Sabharwal, learned counsel for the petitioner points out that this condition could not be complied with, as the said hospital fell within a notified containment zone, under the Rules and Regulations applicable during the COVID – 2019 epidemic. As such, he further submits that the petitioner's son was treated through daily video-conference.

14. In view thereof, the petitioner is permitted to remain at home, within the confines of his residence, during the period of extension of interim bail. The petitioner shall also report at the P.S. Anand Vihar, every three days at 10 a.m. The petitioner shall not leave his residence during the period of interim bail, except for emergencies. He is restrained, throughout the period of his interim bail, from travelling outside the jurisdiction of P.S. Anand Vihar, without obtaining *a priori* leave of this Court, or of the learned Trial Court.

15. Subject to the above modification in the conditions of interim bail, the interim bail of the petitioner is extended for a period of three months from today. Learned counsel for the petitioner undertakes that, on expiry of the said period, the petitioner would surrender, voluntarily, before the Jail Superintendent, on 18th September, 2020.

16. The application is allowed accordingly.

17. Copy of this order be uploaded on the website positively within

24 hours and forwarded to the learned counsel for the parties via email.

C. HARI SHANKAR, J.

JUNE 17, 2020

r.bararia

