

\$~B.A. - 2

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

+ **BAIL APPLN.1343/2020**

PREMPAL

.....Petitioner

Through Mr. Sumit Choudhary, Adv.

versus

STATE

.....Respondent

Through Mr. Mukesh Kumar, APP.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

01.07.2020

%

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

1. The petitioner seeks interim bail on the ground that his wife has developed renal calculus [i.e. kidney stone] measuring 18.4 mm.

1.1 According to the petitioner, his wife requires to undergo percutaneous nephrolithotomy surgery *qua* the same.

2. I had asked Mr. Mukesh Kumar, learned APP, who appears for the State, to file a status report in that behalf.

2.1 The status report has been filed, which is indicative of the fact that the assertions made by the petitioner, appear to be correct. The relevant paragraph i.e. paragraph 4 of the status report reads as follows:

“4. Grounds on which the petitioner is seeking interim bail have been verified from the Civil Hospital, Garh Shankar, Distt. Hoshair Pur, Pubjab. According to the Dr. Navjot Singh, wife of the petitioner (Neelam) diagnosed with Nephrolithiasis (Kidney Stone). She was advised for surgery by urologist within 2 weeks. She is further advised for surgery PCNL (Precuaneous Nephrolithostomy) by urologist as early as possible. The date of surgery of petitioner’s wife is not fixed, Yet.”

BAIL APPLN.1343/2020

1/3

3. I may also indicate that for the very said purpose, the concerned Trial Court had enlarged the petitioner on interim bail for three days. This order was passed on 25.01.2020.

3.1 It appears that the petitioner could not have the surgery performed on his wife on account of his inability to arrange funds given the paucity of time.

3.2 According to petitioner, his wife's condition has become worse since 01.06.2020.

3.3 It is also submitted that in this enfeebled state of health, the petitioner's wife is required to not only take care of the household chores but also three minor children.

4. I may only indicate that given the Coronavirus pandemic and the fact that the petitioner has to travel from Delhi to Punjab, where his wife and doctor are located, it may, perhaps, be difficult for the petitioner to reach his wife and have the surgery performed.

4.1 That being said, the petitioner has been custody since 20.07.2017 and the charge-sheet in the matter has already been filed.

4.2 I am told by Mr. Kumar, on instructions, that some witnesses have also been examined by the concerned Trial Court.

5. Therefore, given the overall circumstances, I am inclined to release the petitioner on bail, for 15 days, on the following conditions:

- i. The period of enlargement will commence from the date of the release of the petitioner. The concerned Jail Superintendent will work out the modalities with the concerned authorities in the State of Punjab to effectuate directions issued by this Court while keeping in mind the

social distancing norms and other protocols put in place in connection with the Coronavirus pandemic.

- ii. The petitioner will surrender to the concerned Jail Superintendent after the expiry of his period of enlargement i.e. 15 days.
 - iii. The petitioner will furnish a personal bond of Rs.10,000/- with a surety of like amount to the satisfaction of the concerned duty magistrate.
 - iv. The petitioner will establish telephonic contact with the Investigating Officer every day.
 - v. The petitioner will not get in touch with the witnesses and/or attempt to tamper with the evidence.
6. The captioned bail application is, accordingly, disposed of in the aforementioned terms.
7. The Registry will transmit the order passed today, electronically, to the concerned Jail Superintendent.

RAJIV SHAKDHER, J

JULY 01, 2020

pmc/KK

[Click here to check corrigendum, if any](#)

BAIL APPLN.1343/2020

3/3