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

+ **BAIL APPLN. 1429/2020**

SANJEEV

.....Petitioner

Through Mr. Ravinder Aggarwal, Adv.

versus

STATE (GNCT OF DELHI)

.....Respondent

Through Mr. Mukesh Kumar, APP with Mr.
Rakesh Deswal, I.O.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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23.07.2020

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

1. Pursuant to the last order i.e. order dated 20.07.2020, a status report has been filed by the respondent/State.
2. It is not in dispute that the out of the 14 people who are arrayed as accused in FIR No. 415/2015, Police Station - Kotwali under Sections 395, 397, 365, 201, 412, 120-B and 34 of the IPC as also under Section 25, 54 & 59 of the Arms Act, two accused have been released on interim bail *vide* orders dated 20.05.2020 and 27.05.2020 passed by the concerned Additional Sessions Judge.
- 2.1 These orders have been annexed as Annexure C & D to the instant petition. The aforementioned orders are predicated on the guidelines issued by the High-Powered Committee dated 18.05.2020 [HPC guidelines].

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3. The petitioner, in this case, has, admittedly, been in custody for a period of five years as is evident from a perusal of the nominal roll.

3.1 Furthermore, there is no previous conviction in the case of petitioner, although, there is a reference to the fact that on 30.04.2018, there was an incident where the petitioner was punished for slapping another inmate.

4. It is claimed that the petitioner needs to reconnect with his family, which consists of his wife and a six-year old daughter.

5. According to the petitioner, his daughter is not well and needs medical attention.

6. Mr. Mukesh Kumar, who appears for the respondent/State says that the offence committed by the petitioner is grave. It is, however, not disputed by Mr. Kumar that evidence of the complainant has been recorded and that of the eye witness has been substantially recorded.

7. I may only indicate that Mr. Kumar has contended that the offences under which the petitioner has been charged are not covered under the HPC guidelines. However, Mr. Kumar does concede that the Court has discretion to enlarge the petitioner on interim bail.

8. Having regard to the intent and purpose of the HPC guidelines, unless there is a specific prohibition *qua* particular offence, this argument, to my mind, is unsustainable. The Court, in each case, would have to look at the facts and circumstances and then pass an order.

8.1 Furthermore, the orders passed by the concerned Additional Sessions Judge enlarging the two co-accused on interim bail, as indicated above, are predicated on the HPC guidelines. These orders have, admittedly, not been challenged by the respondent/State.

9. Having heard learned counsel for the parties and perused the record, I am inclined to grant interim bail to the petitioner to enable him to establish connect with his family and attend to the needs of his young daughter. It is ordered accordingly.

10. The captioned bail application is disposed of with the following directions.

(i) The petitioner will be enlarged on interim bail for a period of 45 days. The period of enlargement will commence from the date of release of the petitioner. After the period of enlargement is over, the petitioner will surrender himself before the concerned Jail Superintendent.

(ii) 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/jail superintendent.

(ii)(a) The surety will be a resident of Delhi.

(iii) The police authorities will get in touch with their counterparts under whose jurisdiction, the petitioner will be located. I am informed that the petitioner will be residing in his house situate at Ghaziabad, U.P.

(iv) The petitioner will establish telephonic contact with the Investigation Officer every third day.

(v) The petitioner will not get in touch with any of the witnesses or tamper with the evidence.

11. The Registry will transmit a copy of this order to the concerned jail superintendent, *albeit*, electronically.

RAJIV SHAKDHER, J

JULY 23, 2020
PMC/KK

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

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