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

+ **BAIL APPLN. 1443/2020**

MANISH KUMAR

..... Petitioner

Through

Mr.Chetan Pangasa and Mr.Mukesh
Kalia, Advs.

versus

STATE OF NCT OF DELHI

..... Respondent

Through

Mr.Mukesh Kumar, APP for State.
Mr.Prashant Mehta, Adv. for the
family of deceased.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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24.07.2020

1. This hearing is conducted through video conferencing.
2. This bail application is filed by the petitioner under section 439 Cr.P.C. for grant of interim bail for a period of 30 days on account of deteriorating medical condition of his aged and ailing father as well as to help him to manage the agricultural yield.
3. This matter pertains to FIR No.351/2016 dated 24.05.2016 registered under sections 302/482/120B IPC read with sections 25/54/59 of the Arms Act at P.S. Lajpat Nagar, Delhi.
4. The respondent has filed a status report. As per the said status report, the petitioner alongwith other co-accused had gone for dinner to the restaurant of the deceased in Lal Sai Market. On an altercation taking place there regarding the bill, the accused and the petitioner had a fight with the owner of the shop/deceased. Later on, the petitioner along with other co-accused, namely, Sagar, Robin and Varun came back to take revenge from

the owner of the restaurant/deceased. In the course of a fight, the petitioner is said to have fired from a pistol at the owner of the restaurant who died in the hospital.

5. It is confirmed that the petitioner is in custody since 26.05.2016. The charge-sheet has already been filed. The charges have also been framed. The evidence is being recorded.

6. The status report also confirms that the parents of the petitioner are old and are suffering from various ailments. The petitioner is the only son of his parents and that there is no one to look after the agricultural products.

7. I cannot help noticing that the petitioner has earlier also been released on interim bail by orders dated 04.07.2019 for one week, 27.09.2018 for one month, and 05.04.2019 for ten days. There is no complaint of the petitioner having misused the interim bails on the earlier occasions.

8. Learned counsel for the petitioner also heavily relied upon the minutes of the High Powered Committee dated 18.05.2020 which had recommended that interim bail be granted for 45 days to under-trial prisoners facing trial for a case under section 302 IPC and who are in jail for more than 2 years with no involvement in any other case in view of the present pandemic.

9. The learned counsel for the respondent confirms, on instructions from IO who appears in person, that the petitioner is not involved in any other criminal case.

10. Keeping in view the facts and circumstances of the case and the present Covid-19 pandemic, it would be in the interest of justice that the petitioner is granted interim bail for a period of three weeks.

11. Accordingly, the petitioner is granted interim bail for a period of three

weeks 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. It is made clear that on account of the facts and circumstances of the case, this is a onetime measure and the petitioner will not seek any extension of the interim bail. The interim bail is granted subject to following conditions:

- (i) Petitioner will provide his current mobile phone number to the IO/SHO, P.S. Lajpat Nagar, Delhi 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. Lajpat Nagar, Delhi 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 or Moradabad without prior permission of the concerned court.
- (v) Petitioner will duly surrender at the end of the suspension period.

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

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

JAYANT NATH, J.

JULY 24, 2020/v