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

+ BAIL APPLN. 1462/2020

JAGDISH SHARMA @ JAGGI

..... Petitioner

Through: Mr. Anupam Shanna, Mr. Prakash
Airan and Ms. Harpreet Kalsi,
Advocates.

versus

STATE OF DELHI

..... Respondent

Through: Mr G.M. Farooqi, APP for State.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **03.07.2020**

1. The hearing was conducted through video conferencing.
2. The petitioner/applicant seeks interim bail in case FIR No. 578/18, registered at Police Station: Punjabi Bagh on 14.10.2018 under section 302/384/34 IPC, to attend to his ailing mother who is 84 years of age. She has acute respiratory problems, for which she has been undergoing treatment for the past many years. Because of the pandemic lockdown and strict rules of social distancing, her other sons who are living separately, are unable to assist her. One son is stated to be unwell and unable to render any assistance to the mother. Even the neighbours are not in a position to lend a helping hand, for their own safety as well as for the safety of the petitioner's mother.

3. According to the Status Report submitted by the police, the petitioner is involved in 7 cases including the present case. The said Report is not entirely correct because out of the 7 cases, the petitioner has been acquitted in five. Of the remaining 2 cases, he was convicted in FIR No. 722/1995 registered at Police Station: Punjabi Bagh, New Delhi, for which he is undergoing trial, and FIR No. 578/2018 registered at the same Police Station, concerns the present case.
4. It is not in dispute that the petitioner was on bail during the trial and as well as during the pendency of his appeal; he has never misused the liberty granted to him. He is stated to be in custody since 14.10.2018. The medical condition of the petitioner's mother, his family's position and his address have been verified. The medical documents annexed to the petition show that the mother has been on nebulizers and other medication for quite some time. According to the learned counsel for the State, thus far there is no intimation of any adverse conduct/reports apropos the petitioner while in jail.
5. Furthermore, the administrative directions issued by the High Powered Committee on 18.05.2020 regarding Under Trial Prisoners (UTPs) facing trial under section 302 IPC had recommended *inter alia*, as under:-

" The Members of the Committee discussed the report submitted by DG (Prisons) vide his letter dated 16.05.2020 and resolved that prisoners falling in following criteria may now be considered for grant of interim bail for 45 days in view of the circumstances in

which we are in, preferably on 'Personal Bond':

(i). Under Trial Prisoners (UTPs) facing trial for a case under section 302 IPC and are in jail for more than two years with no involvement in any other case;

(ii). "

6. In view of the above, the petitioner is granted Interim Bail for a period of 6 weeks from the date of his release, on his furnishing a Personal Bond in the sum of Rs. 25,000/- with a surety of the like amount to the satisfaction of the Duty MM/Jail Superintendent concerned. Bail is granted subject to the following conditions:

- i. The petitioner shall keep the SHO/IO concerned informed of his whereabouts on alternate days between 11 a.m. and 11.30 a.m. through video call and if a video call is not possible, he may send SMS apropos his whereabouts, as well as “drop-a-pin” on location app (eg. Google Maps) to indicate his location. The SHO’s/IO’s telephone number shall be provided to the learned counsel for the petitioner.
- ii. The petitioner shall not leave the territory of NCT of Delhi.
- iii. The petitioner shall not contact complainant(s) in any manner and shall not do anything which could prejudice the case of the prosecution.
- iv. The petitioner shall provide his contact number to the IO/SHO concerned and shall ensure that such number is reachable at all times.

7. The application is disposed-off in terms of the above.

8. The Registry is directed to email a copy of this order to the Jail Superintendent concerned for due compliance.
9. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

JULY 03, 2020

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