

\$~3

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

BAIL APPLN. 1450/2020

YASIN @ GILLI

.....Petitioner

Through

Mr. Shivendra Singh, Adv.

versus

STATE (NCT OF DELHI)

.....Respondent

Through

Ms. Meenakshi Dahiya, APP with SI
Puneet Bharti.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

17.07.2020

%

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

1. On the previous date i.e. 30.06.2020, the following order was passed:

“...3. The petitioner, who seeks enlargement on bail, is, even according to Mr. Shivendra Singh, who appears on behalf of the petitioner, a history sheeter.

4. That being said, Mr. Singh says that the petitioner has been in Judicial Custody since 28.08.2017 and even an interim bail of 10 days would suffice given the fact that his family is in difficulty as the Coronavirus pandemic is active in the city.

5. The record shows that the co-accused, in this particular case, has been granted bail by a coordinate bench vide order dated 04.02.2020, passed in Bail Appl. No.3135/2019, titled Deepak @ Kartik vs. State.

5.1 However, what is not in dispute is that the co-accused, unlike the petitioner, did not have a criminal history.

5.2 A perusal of the very same order i.e. order dated 04.02.2020 shows that two public witnesses resiled from their earlier statements made to the police and the magistrate which formed the basis for grant of bail.

BAIL APPLN. 1450/2020

1/4

Signature Not Verified

digitally signed by VIPIN
KUMAR RAY
signing date 18.07.2020
13:52

6. Accordingly, issue notice.
- 6.1 Ms. Meenakshi Dahiya accepts notice on behalf of the respondent/State.
- 6.2 Ms. Dahiya will file a status report in the matter.
- 6.3 Apart from anything else, the status report will indicate as to how many material witnesses are yet to be examined.
- 6.4 The concerned Jail Superintendent will file the nominal roll concerning the petitioner.
- 6.5 The concerned Jail Superintendent will also file an affidavit with regard to the conduct of the petitioner while in Judicial Custody.
- 6.6 As far as this aspect is concerned, I may also record that it appears that the petitioner had indulged in disorderly conduct. There is a reference to this incident in the record which appears to have occurred on 22.04.2018.
- 6.7 The concerned Jail Superintendent, in his affidavit, will advert to any other incidents which have occurred, if at all, after the said date.
7. The Registry is directed to transmit a copy of the order passed today, electronically, to the concerned Jail Superintendent.
8. Renotify the matter on 17.07.2020.”

2. Since then, a status report has been filed by Ms. Meenakshi Dahiya, who appears on behalf of the respondent/State.
3. The status report does establish that, in the past, the petitioner has committed crimes.
4. Mr. Shivendra Singh, who appears for the petitioner, however, says that the petitioner needs to establish social connect and meet with his family, even if it means enlarging him for one (1) week.
5. Mr. Singh says that, for the moment, he does not want to touch upon the merits of the case, even though, two prime witnesses examined by the prosecution have turned hostile and two co-accused have been granted bail by this Court having regard to this aspect of the matter.

BAIL APPLN. 1450/2020

2/4

6. As indicated in my order dated 30.06.2020, the distinction between the circumstances concerning the two co-accused and the petitioner is that the co-accused were not history-sheeters.

6.1 Insofar as the contention that because two prime witnesses have turned hostile, the prosecution's case has collapsed, I may note that out of 33 witnesses, only 12 witnesses have been examined. A better picture would be presented only after other witnesses are examined as well.

7. That being said, there is some merit in the petitioner's contention that the petitioner needs to re-establish connect, if not with anyone else, at least his wife and children.

8. Therefore, purely on humanitarian grounds, I am inclined to enlarge the petitioner on interim bail for one (1) week, commencing from the date of his release, subject to the following conditions.

- i. The petitioner will furnish a personal bond of Rs. 10,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/duty magistrate.
- ii. The petitioner will surrender before the concerned Jail Superintendent on expiry of the period of enlargement i.e. one (1) week.
- iii. The petitioner will establish telephonic contact, on an everyday basis, with the Investigating Officer.
- iv. The petitioner will neither get in touch with the witnesses relating to the matter nor will he tamper with the evidence.

9. The captioned bail application is disposed of in the aforementioned terms.

10. The Registry will communicate the order passed today, *albeit*, electronically, to the concerned Jail Superintendent.

RAJIV SHAKDHER, J

JULU 17, 2020
PMC/KK

Click here to check corrigendum, if any

BAIL APPLN. 1450/2020

4/4