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

+ **BAIL APPLN. 1575/2020**

SALMAN

..... Petitioner

Through Mr Vishal Gosain, Mr Nikhil Ahuja,
Mr Majul Shree Pathak, Advocates.

versus

STATE NCT OF DELHI

..... Respondent

Through Mr Amit Gupta, APP for State.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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04.08.2020

[Hearing held through videoconferencing]

1. The petitioner has filed the present application seeking interim bail in FIR No. 124/2015 under Section 302 IPC registered with PS Sarai Rohilla.
2. The said FIR was registered on 01.02.2015 at the instance of the sister of the deceased. She had reported that the petitioner was living with her sister and her son in a *jhuggi* located beside her dwelling unit. She informed that her deceased sister was upset and had told her that the petitioner was treating her badly and he had also threatened to kill her. She stated that her sister and her nephew had gone to sleep on 31.01.2015 at about 11.00 p.m. She had gone to her sister's room at 7.30 a.m the next morning and had found her sister and her nephew (her sister's son) lying dead on the bed. She suspected that the petitioner had murdered them.

3. This Court is informed that the material witnesses have been examined.

4. The nominal roll indicates that that the petitioner has been in jail since 05.02.2015, that is, for approximately five years and six months. The nominal roll also indicates that the petitioner's conduct in the jail during the last year has been satisfactory. Except one punishment imposed on 22.04.2018 on account of recovery of prohibited article, the petitioner has not been involved in any other jail incident.

5. It is apparent that but for the punishment imposed on the petitioner on 22.04.2018, the petitioner would qualify the criteria as set out by the High Powered Committee in its order dated 18.05.2020. Admittedly, the said punishment was imposed on him more than two years ago.

6. This Court is informed that the credentials of the petitioner's brother-in-law have been verified.

7. In the given circumstances, the present application is allowed and the petitioner is directed to be released on interim bail for a period of six weeks on his furnishing personal bond in the sum of ₹10,000/- with his brother-in-law (Jitender) standing surety of the equivalent amount to the satisfaction of the Jail Superintendent/Duty Magistrate. This is also subject to the following further conditions:-

- (a) that the petitioner shall provide a contact number and ensure that he is reachable at all times;
- (b) that the petitioner shall mark his presence telephonically with the concerned police station Sarai Rohilla on Monday of each calendar week and report his whereabouts;
- (c) that the petitioner shall not leave the National

Capital Territory of Delhi without informing the concerned police station.

8. The petition is allowed in the aforesaid terms.
9. A copy of this order be communicated to the Jail Authorities electronically.

VIBHU BAKHRU, J

AUGUST 04, 2020
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