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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN.1588/2020, CRL.M.A.8831/2020 & CRL.M.A.8832/2020**

PANKAJ MEHRA

.....Applicant

Through: Mr.Manish Sharma, Mr. Vikas Sharma,
Advocates.

Versus

STATE NCT OF DELHI

.....Respondent

Through: Mr.Ashok Kumar Garg, APP for State.

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **07.07.2020**

(hearing through Video Conferencing)

CRL.M.A.8831/2020 & CRL.M.A.8832/2020 (Ex.)

Exemptions allowed subject to all just exceptions.

The applications stand disposed of.

BAIL APPLN.1588/2020

Vide the present application, the applicant seeks the extension of interim bail granted to the applicant vide order dated 21.05.2020 in Bail Appl.No.903/2020 for a period of 45 days submitting to the effect that the said interim bail was granted in view of the present pandemic of COVID-19.

Notice of the application is issued to the State and is accepted by the learned APP on behalf of the State.

A perusal of proceedings dated 21.05.2020 in Bail Appln. No.903/2020 indicates that the applicant was allowed to be released on interim bail for a period of 45 days from the date of his release on the terms and conditions as imposed vide the said order in view of the applicant falling within the discretionary grant of interim bail in view of the minutes of the meeting of the Hon'ble High Powered Committee of this Court dated 18.05.2020, whereby it has specifically *inter alia* been observed to the effect that the under trial prisoners who are facing trial under Section 302 of the IPC and have been incarcerated for more than two years with no involvement in any other case and a good conduct report received from the Jail Superintendent may be granted interim bail in view of the present pandemic.

It is also observed vide order dated 21.05.2020 that in as much as, the applicant was lodged in the Rohini Jail where 15 inmates have tested positive for Covid 19, apart from a staffer of the said jail having also tested positive for Covid 19 and in view of the Hon'ble High Powered Committee of this Court dated 18.5.2020, the interim bail for a period of 45 days was granted to the applicant in relation to FIR No.504/2017, PS Shalimar Bagh under Sections 302/34/120B of the Indian Penal Code, 1860 and Sections 25/27/54/59 of the Arms Act, 1959, in as much as, apart from GP No.6/2018 titled as “**Ashok Maghnani Vs Pankaj Mehra**”, there is no other case pending against the petitioner and the nominal roll dated 20.5.2020 received from the Superintendent Jail, Delhi also indicated that the petitioner has been in custody since 2 years 5 months and 3 days and his jail conduct was satisfactory.

In reply to a specific Court query, learned counsel for the applicant has submitted that in terms of order dated 21.05.2020, the applicant was

granted interim bail for a period of 45 days which is stated to be expiring today. It has further been submitted on behalf of the applicant that the said interim bail should continue due to present pandemic of COVID-19.

It is essential to observe that vide minutes dated 20.06.2020 of the Hon'ble High Powered Committee of this Court recommending the extension of interim bail for a further period of 45 days in view of the present pandemic and taking into account the order dated 22.06.2020 of the Hon'ble Division Bench of this Court in W.P.(C)3080/2020 titled as ***"COURT ON ITS OWN MOTION Versus GOVT OF NCT OF DELHI & ANR"***, wherein the recommendations of the Hon'ble High Powered Committee of this Court dated 20.06.2020 have been taken into account and it has been observed to the effect:-

"The present matter has been taken up for hearing by way of Video Conferencing on account of lockdown due to COVID-19.

This Court vide its previous order dated 09.05.2020 had extended the interim bails granted to 2177 UTPs for a period of 45 days, which will come to an end by efflux of time, from the 23.06.2020 onwards.

It is observed that for the effective implementation of the directions issued by Hon'ble Supreme Court of India in Suo Moto Petition (Civil) No.1/2020-In Re: Contagion of COVID-19 Virus in Prisons vide its orders dated 23.03.2020 and 13.04.2020, a High Power Committee (HPC) was constituted by High Court of Delhi to decongest the Jails to prevent the spread of COVID-19 (Novel Corona Virus) and as per the recommendations of this Committee dated 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020 and 18.05.2020 and on the basis of orders in WP (C) No.2945/2020 titled as "Shobha Gupta &Ors. vs. Union of India & Ors.", 2177 Under Trial Prisoners (UTPs) were released on interim bail for a period of 45 days from the date of their respective release.

The High Power Committee (HPC), constituted by High Court of Delhi, in its meeting dated 20.06.2020 further noted that the said period of 45 days in respect of some UTPs is going to expire on 23.06.2020 and for others it shall expire in coming days of June, 2020 and in the

subsequent weeks of July, 2020 but situation of the pandemic is still the same and it may not be possible to predict definite date for resumption of normal functioning of Court system, so HPC was of the opinion that the interim bail so granted to 2651 UTPs till 20.06.2020 by respective CMMs/MMs needs to be extended for a further period of 45 days. It was also noted by the Committee that in the present scenario, it may not be possible to move individual applications before concerned CMMs/MMs by Legal Aid Counsel, so the matter was placed before this Court for considering the extension of interim bails of 2651 UTPs on judicial side. Mr. Sandeep Goel, Director General (Prisons) reiterated the same request for extension of interim bails granted to 2651 UTPs, in view of the prevailing pandemic situation.

Mr. Rahul Mehra, Ld. Standing Counsel (Criminal) for Government of NCT of Delhi has no objection to the extension of interim bails granted to 2651 UTPs by another period of 45 days from the date of respective expiry of their interim bail period.

Accordingly, it is ordered that the interim bails for a period of 45 days granted to 2651 UTPs, in view of the recommendations of HPC dated 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020, 18.05.2020 and 20.06.2020 and on the basis of orders in WP (C) No.2945/2020 titled as “Shobha Gupta &Ors. vs. Union of India &Ors.” are hereby extended by another period of 45 days from the date of their respective expiry of interim bails on the same terms and conditions.

Director General (Prisons) shall ensure that this order is conveyed to all the 2651 UTPs by telephone as well as through all other available modes.

Ld. Member Secretary, DSLSA shall coordinate with DG (Prisons) in this regard.

List on 04.08.2020.

A copy of this order be provided to learned counsel appearing on behalf of the parties as well as DG (Prisons) electronically today itself. A copy of this order be uploaded on the website of this Court forthwith.”

thus, in view of the order of the Hon’ble Division Bench of this Court in

W.P.(C) 3080/2020, the interim bail granted to the applicant vide order dated 21.05.2020 in Bail Appl. No.903/2020 is extended for a further period of 45 days from today on the same terms and conditions as imposed vide order dated 21.05.2020 with direction that the applicant shall now surrender on the 45th day of his release from today.

The application stands disposed of.

ANU MALHOTRA, J

JULY 07, 2020
'neha chopra'