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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 4th August, 2020
+ **BAIL APPLN. 1633/2020 and CRL.M.A. 8984/2020**
SHAHNAZ BEGUM Petitioner

Through: Mr. Sumit Choudhary, Advocate (M:
9999318211).

versus

STATE Respondent
Through: Ms. Rebecca M. John, Sr. Advocate
with Mr. Vishal Gosain, Advocate
(Public Prosecutors) along with Ms.
Maulshree Pathak, Advocate.
Mr. Raghuvinder Verma, APP.

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been held through video conferencing.
2. The Petitioner in this case seeks interim bail on the strength of the Minutes of the High-Powered Committee dated 18th May, 2020. Mr. Sumit Choudhary, Id. counsel appearing for the Petitioner submits that this is the first case against the Petitioner, who is a lady, and no other cases are pending against her. She has also been in custody for more than two years. He therefore submits that she meets all the conditions laid down in the Minutes of the High-Powered Committee.
3. Ms. Rebecca M. John, Sr. Adv and Id. Special Public Prosecutor opposes the grant of interim bail on the ground that the victim was a 21-year-old boy whose throat was slit by the Petitioner's husband in collaboration with the Petitioner. In fact, she submits that both the co-

accused, who are majors, are still in custody and the nature of the offence does not deserve interim bail.

4. Having gone through the facts in this case, the rejection order by the 1d. Trial Court and the submissions of the parties, it is clear that the trial is at an advanced stage. 23 witnesses have been examined and only five witnesses are left.

5. The Petitioner vehemently relies on the Minutes of the High powered committee. However, a perusal thereof shows that mere satisfaction of the conditions would not automatically entitle a person for bail. The relevant portion of the Minutes is extracted below:

“...On bare perusal of the observations/directions given by the Hon’ble Supreme Court vide its order dated 23.03.2020, it is apparent that the High Powered Committee so constituted was given an absolute discretion to determine which class/category of the prisoners can be released on interim bail or parole depending not only upon the severity of the offence, but also the nature of offence or any other relevant factor. It is further apparent on perusal of the subsequent order dated 13.04.2020 of Hon’ble Supreme Court whereby it was clarified that it has not directed the States/Union Territories to compulsorily release the prisoners from their respective prisons.

Thus, no prisoner in whatsoever category/class he falls and whatever nature of offence he is facing trial, can seek or claim to be released from prison as a matter of right.

...
Consequently, the applicants are at liberty to file bail applications for their clients before the concerned Courts, which as and when filed, may be considered on merits, in accordance with law.”

6. The Minutes of the High-Powered Committee are recommendatory in nature and have to be applied to the specific facts of each case. The Court considering the application for bail has the discretion to consider the merits of each matter in accordance with law.

7. Considering the gravity of the offence and the manner in which the victim is alleged to have been killed, as also the threat perception to the victim's family, this Court is not inclined to grant the request for interim bail.

8. Accordingly, the petition is rejected. All pending applications are disposed of. Nothing stated herein should affect the proceedings before the Trial Court.

**PRATHIBA M. SINGH
JUDGE**

AUGUST 04, 2020
MR/T