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

+ **BAIL APPLN. 1744/2020**

GURJINDER SINGH BABA Petitioner
Through **Mr. Vikas Chadha, Adv.**

versus

STATE Respondent
Through **Mr. Raghuvinder Verma, APP**

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER
% **23.07.2020**
(Video-Conferencing)

BAIL APPLN. 1744/2020

1. This is an application for interim bail for a period of 45 days. Counsel for the applicant relies on the minutes of meeting, dated, 18th May, 2020, under the Chairpersonship of a Judge of this Court, in which it has been recommended, *inter alia*, thus:

“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) Under trial prisoners (UTPs) facing trial for offence **under Section 304 IPC** and are **in jail for more than one year** with no involvement in **any other case**;

(iii) Under trial prisoners (UTPs) facing trial in a case **under Section 307 or 308 IPC** and are **in jail for more than six months** with no involvement in **any other case**;

(iv) Under trial prisoners (UTPs) facing trial/remand prisoners in **Theft cases** and are **in jail for more than 15 days**;

(v) **Male Under trial prisoners (above 65 years of age)** facing trial in a case except the ones excluded hereunder and are **in jail for more than six months** with no involvement in **any other case**;

(vi) **Female Under trial prisoners (above 60 years of age)** facing trial in a case except the ones excluded hereunder and are **in jail for more than six months** with no involvement in **any other case**;

2. The recommendations further require the applications of interim bail of under trial prisoners, falling in the aforesaid categories, to be accompanied by a certificate of good conduct, during their respective custody period, issued by the Jail Superintendent.

3. The applicant is in custody since 16th February, 2018, having been arrested consequent to FIR 28/2018, and is charged with having committed the offences punishable under Sections 395, 397, 411 read with Section 34 of the IPC and Sections 25, 54, 59 of the Arms Act.

4. Inasmuch as the present application relies solely on the

recommendations of the High Power Committee, in its meeting, dated 18th May, 2020, it is not necessary to allude to any other aspect. A reading of the recommendations of the High Power Committee reveals that the case of the applicant would, *ex facie*, fall under category (v) of the categories of under trial prisoners, to whom interim bail may be granted, for a period of 45 days, as extracted hereinabove. The recommendations also resolved that under trial prisoners in the following categories should not be considered for grant of interim bail:

- “(i) Those inmates who are undergoing trial for intermediary/ large quantity recovery under NDPS Act ;
- (ii) Those under trial prisoners who are facing trial under Section 4 & 6 of POCSO Act;
- (iii) Those under trial prisoners who are facing trial for offences under section 376, 376A, 376B, 376C, 376D and 376E and Acid Attack;
- (iv) Those UTPs who are foreign nationals;
- (v) Those under trial prisoners who are facing trial under Prevention of Corruption Act (PC Act) / PMLA, MCOCA; and
- (vi) Cases investigated by CBI/ED/NIA/Special Cell of Delhi Police, Crime Branch, SFIO, Terror related Cases, Riot cases, cases under Anti-National Activities and Unlawful Activities (Prevention) Act etc.”

5. The applicant does not fall under the aforesaid excepted categories.

6. Insofar as the requirement of a certificate of good conduct from the Jail Superintendent is concerned, the nominal roll of the applicant

has been requisitioned, and reveals that the conduct of the applicant, during incarceration, is satisfactory.

7. The applicant has suffered, as on date, over 2 years and 5 months of incarceration.

8. This Court has, ordinarily, been adhering to the aforesaid recommendations of the High Court Committee and, where under trial prisoners fall within the categories recommended therein for grant of interim bail, has been extending the said facility.

9. In view thereof, the applicant is granted interim bail, for a period of 45 days from the date of his release, subject to his furnishing a personal bond in the sum of ₹ 10,000/- with accompanying surety of like amount to the satisfaction of the Jail Superintendent. On furnishing the said surety, the applicant shall be released forthwith. During the period of interim bail, the applicant shall not leave the boundaries of Delhi, without permission of this Court or of the learned trial court. The applicant is also directed to maintain good conduct, during the period of his interim bail, and shall not interact with any of the witnesses in the case, in which he is facing trial.

10. The applicant shall also furnish, prior to his being released, the mobile number of at least one person, who could be contacted, if need arises. The said mobile number shall remain switched on, during the period of his interim bail. The applicant is also directed to report, on every Tuesday and Friday at 11:00 AM, at P.S. Moti Nagar and mark

his attendance. Police authorities would also visit the premises of the applicant, periodically, to ensure that the applicant is complying with the conditions of interim bail. Consequent to the expiry of the period of interim bail, a certificate, to the said effect, would be placed on record by the SHO of P.S. Moti Nagar.

11. The applicant is also directed to surrender immediately on the expiry of 45 days from the date of his release.

12. The application is allowed accordingly, and in the aforesaid terms.

C. HARI SHANKAR, J.

JULY 23, 2020
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