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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ Bail Appln. No. 1765/2020

SURAJ @ CHARANG Petitioner
Through: Mr.Sumit Sharma , Advocate

versus

STATE Respondent
Through: Mr.Kewal Singh Ahuja , Advocate

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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17.07.2020

(hearing through Video Conferencing)

Crl.M.A. Nos.9458/2020 and 9459/2020

Exemptions allowed, subject to just exceptions.

Bail Appln. No. 1765/2020

Vide the present application, the applicant seeks grant of interim bail to attend the tehravi ceremony of his deceased grandfather which is to be performed on 21.7.2020. It has been submitted on behalf of the applicant in reply to a specific Court query that the prayer made in the prayer clause to the effect that the interim bail be granted to the applicant for a period of two months in order to arrange for the surgery and treatment in as much as in relation to the said prayer the surgery had to be performed on his late grandfather who has since expired, and that the said prayer is infructuous now. Inter alia, it has been submitted that the petitioner shared a very close bond with the grandfather and that he used to live with his grandfather. It has also been submitted on behalf of the applicant that the chargesheet in the

instant case has already been filed the applicant may be allowed to release on bail on whatever terms and conditions.

On behalf of the State, the prayer is vehemently opposed submitting to the effect that the proceedings of the date 14.7.2020 before the learned ASJ at the time of consideration of the bail application the Investigating Officer in his report before the learned ASJ (Special Judge) has stated that the grandfather of the applicant has two sons i.e. Charang and Kashi and that Charang is the father of the applicant who is also wanted in the case but he is deliberately avoiding his arrest and the proceedings under Section 82 of the Cr.P.C. have been initiated against him. It has further been mentioned that the other son of the deceased was available at the house of the deceased and had performed the last rites of his father.

It has thus been submitted on behalf of the State placing reliance on the proceedings dated 14.7.2020 that the facts alleged are stated therein which read to the effect that allegedly 10 kg of charas had been recovered from the possession of the accused/applicant and the same is a commercial quantity, and thus there is the embargo of Section 32 of the NDPS Act, 1985 in operation.

On consideration of the circumstances of the case in toto, the factum that the tehravi of the grandfather of the deceased would be performed by Shri Kashi, the uncle of the petitioner and that the applicant's father is alleged to have been found in possession of a commercial quantity of charas, it is not considered appropriate to grant the interim bail to the applicant. The prayer is declined.

The Bail Appln. No. 1765/2020 is declined.

ANU MALHOTRA, J

JULY 17, 2020/sv